
FOOD & DRUGS ADMINISTRATION
By Stewart Swift

CFTRI MYSORE



2403

Food and drugs a



- 2403
- ① food and drugs act
 - ② transfer of functions orders
 - ③ milk and dairies regula-
tions
 - ④ Food laws
 - ⑤ " regulations



FOOD & DRUGS ADMINISTRATION

SUPPLEMENT
TO
FIRST EDITION

BY
STEWART SWIFT, M.B.E.
*Author of "Housing Administration"
and "Sanitary Administration"*



LONDON
BUTTERWORTH & Co. (PUBLISHERS) LTD.
BELL YARD, TEMPLE BAR

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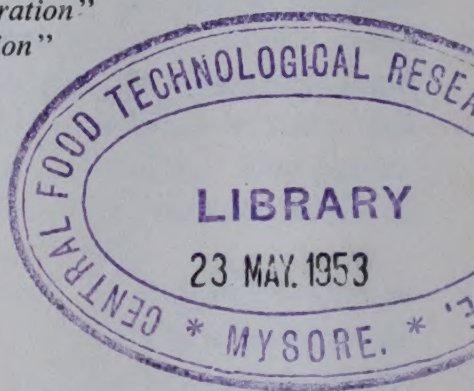
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ABBREVIATIONS

The following abbreviations are used in this Supplement :

" Act of 1938 " ...	...	Food and Drugs Act, 1938
" Act of 1944 " ...	...	Food and Drugs (Milk and Dairies) Act, 1944
" Act of 1950 " ...	...	Food and Drugs (Milk, Dairies and Artificial Cream) Act, 1950
" 1948 Order "	Transfer of Functions (Food and Drugs) Order, 1948
" Regulations of 1949 "	Milk and Dairies Regulations, 1949

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2403

Food and drugs a.

TABLE OF STATUTES

Black figures show pages where text of statute are set out

PREFACE

FOLLOWING the establishment of the Ministry of Food as a permanent Department of State, the relative functions of the two Ministries—Health and Food—have been revised, as a result of which many of the functions of the Ministry of Health in relation to food administration have now been transferred to the Ministry of Food, by the Transfer of Functions (Food and Drugs) Order, 1948, made in accordance with the provisions of the Ministers of the Crown (Transfer of Functions) Act, 1946. The law relating to milk, dairies and artificial cream has been consolidated in the Food and Drugs (Milk, Dairies and Artificial Cream) Act, 1950, and the functions of local authorities with regard to dairy farms and dairy farmers have been transferred to the Minister of Agriculture and Fisheries. The law relating to diseases of animals has been consolidated in the Diseases of Animals Act, 1950. There have been other important new Regulations issued since the publication of the Main Work and consequently it became necessary to issue this Supplement in order to bring the Main Work up-to-date. The opportunity has also been taken to include other amendments and details of important cases which have been decided since 1946.

To use the Supplement it is only necessary to find the reference to the particular subject in the Main Work, then turn to the Supplement to ascertain whether there has been any change in the law or procedure. The page references in the margin of the Supplement relate to the Main Work.

I am indebted to the Controller of H.M. Stationery Office for permission to reproduce extracts from official publications.

S. S.

Oxford,
1st February, 1951.

PREFACE

CONTENTS

Preface

Table of Statutes

Table of Cases

NOTER-UP.

February 1951

TABLE OF STATUTES

Black figures show pages where text of sections are set out.

		PAGE
38 & 39 Vict. c. 63.	(Sale of Food and Drugs Act, 1875) ...	33
10 <i>Statutes</i> (2 <i>Ed.</i>) 380.		
43 & 44 Vict. c. 24	(Spirits Act, 1880) ...	51
21 <i>Statutes</i> (2 <i>Ed.</i>) 459.		
52 & 53 Vict. c. 63	(Interpretation Act, 1889) ...	224
24 <i>Statutes</i> (2 <i>Ed.</i>) 205.	s. 38 ...	152, 171
57 & 58 Vict. c. 57.	(Diseases of Animals Act, 1894) ...	11
1 <i>Statutes</i> (2 <i>Ed.</i>) 929.	s. 3 ...	213
	s. 4 (2) ...	215
	ss. 7, 10, 14-16, 20, 21 ...	211
	s. 22 ...	212, 213, 220
	s. 24 ...	212, 220
	ss. 25, 27 ...	211
	s. 30 ...	211, 220
	s. 31 ...	213
	s. 32 ...	209
	(1) ...	213
	s. 33 ...	214
	s. 34 ...	9, 214
	s. 35 ...	214
	(3) ...	216
	s. 36 ...	216
	s. 38 ...	214
	s. 39 ...	213
	s. 42 ...	214
	s. 44 (5) ...	219
	s. 48 ...	214
	s. 51 ...	218
	ss. 53, 54, 57 (1), (2) ...	219
	s. 59 (1) ...	212, 213, 214
	s. 62 ...	216
	Sched. V ...	213
9 Edw. 7, c. 26	(Diseases of Animals Act, 1909)—	
1 <i>Statutes</i> (2 <i>Ed.</i>) 973.	s. 1 ...	214
9 & 10 Geo. 5, c. 72	(Rats and Mice (Destruction) Act, 1919) ...	73
13 Geo. 5, c. 5.	(Importation of Animals Act, 1922 (Session 2))	220
1 <i>Statutes</i> (2 <i>Ed.</i>) 978.		
15 & 16 Geo. 5, c. 30.	(Importation of Pedigree Animals Act, 1925)	220
1 <i>Statutes</i> (2 <i>Ed.</i>) 986.		
16 & 17 Geo. 5, c. 45.	(Fertilisers and Feeding Stuffs Act, 1926) ...	252
1 <i>Statutes</i> (2 <i>Ed.</i>) 490.		
18 & 19 Geo. 5, c. 31.	(Food and Drugs (Adulteration) Act, 1928) ...	33
22 & 23 Geo. 5, c. 48.	(Town and Country Planning Act, 1932) ...	201
22 & 23 Geo. 5, c. 53.	(Ottawa Agreements Act, 1932) ...	220
21 <i>Statutes</i> (2 <i>Ed.</i>) 1016.		
23 & 24 Geo. 5, c. 25	(Pharmacy and Poisons Act, 1933)—	
15 <i>Statutes</i> (2 <i>Ed.</i>) 261.		
	ss. 11 (2) (a)–(c), 18 (1) (c) ...	251
23 & 24 Geo. 5, c. 51.	(Local Government Act, 1933) ...	187
14 <i>Statutes</i> (2 <i>Ed.</i>) 353.		
	s. 277 ...	3, 51

References to Statutes apply to Halsbury's Statutes, 2nd Edition.

	PAGE
25 & 26 Geo. 5, c. 31.	(Diseases of Animals Act, 1935)—
1 Statutes (2 Ed.) 991.	s. 1 (1) ... 212
	(2) ... 213
	s. 3 ... 211
	s. 4 ... 220
26 Geo. 5 & 1 Edw. 8, c. 49.	(Public Health Act, 1936) ... 103, 125, 201
19 Statutes (2 Ed.) 302.	s. 6 ... 9
	s. 8 ... 10
	s. 278 ... 112
	s. 283 ... 2, 100
	s. 303 ... 2
	s. 318 ... 4, 7
26 Geo. 5 & 1 Edw. 8, c. 50.	(Public Health (London) Act, 1936) ... 125
15 Statutes (2 Ed.) 887.	
1 Edw. 8 & 1 Geo. 6, c. 42.	(Exportation of Horses Act, 1937) ... 11
1 Statutes (2 Ed.) 997.	
1 Edw. 8 & 1 Geo. 6, c. 70.	(Agriculture Act, 1937)—
1 Statutes (2 Ed.) 998.	s. 20 ... 146
	s. 22 ... 211, 239
	s. 23 ... 212, 225, 231, 238
1 & 2 Geo. 6, c. 22.	(Trade Marks Act, 1938) ... 21
25 Statutes (2 Ed.) 1180.	
1 & 2 Geo. 6, c. 56.	(Food and Drugs Act, 1938) ... 1, 2, 4, 5, 6, 8, 9, 10, 11, 12, 17, 20, 51, 61, 64, 82, 83, 84, 85, 99, 100, 124, 135, 136
10 Statutes (2 Ed.) 381.	s. 3 ... 16, 41, 55
	s. 8 ... 1, 6, 7, 18, 41, 65, 73, 74, 75
	(1) (b), (c) ... 83
	s. 9 ... 65
	(1) ... 3, 58
	(b) ... 58, 63
	(5) ... 65
	s. 10 (4) ... 3, 7
	s. 12 ... 66
	s. 13 ... 66, 202, 203, 204, 205
	(1) (e) ... 205
	(i) ... 202, 206
	s. 14 ... 55, 123, 204
	(1) (b) ... 201
	(6) ... 56
	s. 15 ... 1, 8, 66, 67, 68, 201, 203
	s. 16 ... 8, 125, 203
	s. 17 ... 6, 9, 203
	(1) ... 74
	s. 18 ... 6, 9
	s. 19 (1) ... 63
	s. 20 ... 1, 75, 82, 120, 125, 133
	s. 21 ... 1, 133, 147, 150, 168
	s. 22 ... 16
	s. 23 ... 1
	s. 24 ... 53
	s. 25 ... 129
	s. 29 ... 55

1 & 2 Geo. 6, c. 56.	(Food and Drugs Act, 1938)—contd.	
10 Statutes (2 Ed.) 381	s. 30	2, 6, 7, 40, 75, 201
	s. 33	7
	(2) (c)	54
	ss. 34, 35	7
	ss. 37, 39	6, 9
	ss. 40, 42	7
	ss. 44-46	6
	s. 47	6, 209
	ss. 48-55	6
	s. 56	1, 6, 210
	s. 57	6
	ss. 58, 59	6, 65
	s. 60	6
	(2) (b)	65
	ss. 61-63	6
	s. 64	6, 87
	s. 65 (1) (b)	8, 17
	(c)	8, 55
	(3)	85
	s. 66 (2)	6, 7
	s. 68 (4)	11, 13, 119
	(5)	11
	s. 69 (3)	6, 8, 14
	s. 70 (2)	12, 13
	s. 72	7, 10 11, 14
	s. 73	7, 14
	s. 75 (1)	10
	s. 77	119, 203
	(7)	66
	s. 80 (1) (a)	3, 58
	s. 81 (1)	10
	s. 83 (1)	3, 4, 50, 51
	(3)	3, 51
	s. 86	127
	ss. 87, 88, 90	100
	s. 92	134
	(2) (f), (4), (6)	2
	s. 93	7, 9
	s. 96	100
	s. 97	97, 100
	s. 100 (1)	64
	Sched. III	136
2 & 3 Geo. 6, c. 40.	(London Government Act, 1939)	187
15 Statutes (2 Ed.) 1073.	s. 207	10
	Sched. VIII	10
2 & 3 Geo. 6, c. 14 (N.I.)	(Margarine Act (Northern Ireland), 1939)	33
4 & 5 Geo. 6, c. 42.	(Pharmacy and Medicines Act, 1941)	248
15 Statutes (2 Ed.) 297.	s. 8	239, 248, 251, 252
	(1), (2)	249
	s. 9	239, 248, 249, 251, 252
	s. 10 (3)	252
	(4)	248, 252
	s. 11	239, 248, 252
	(1)	250
	s. 13 (1), (3)	252
	s. 16	248
	s. 17 (1)	250

14 Geo. 6, c. 36.

29 Statutes (2 Ed.) 16.

(Diseases of Animals Act, 1950)—contd.

PAGE

s. 45	...	...	...	...	...	212
ss. 46-48	...	...	...	...	...	211
s. 49	...	...	...	...	...	211, 220
ss. 50, 51	...	...	...	...	...	211
ss. 59, 60	...	...	...	...	...	213
s. 61	...	...	...	...	...	209, 213
s. 62	...	...	...	...	...	214
s. 63	...	...	...	...	...	9, 214
s. 64	...	...	...	...	...	214
(2)	...	...	...	...	...	216
s. 65	...	...	...	...	...	216
s. 67	...	...	...	...	...	214
s. 68	...	...	...	...	...	213
s. 70	...	...	...	...	...	214
s. 71	...	...	...	...	...	214
s. 73	...	...	...	...	...	215
(5)	...	...	...	...	...	219
s. 77 (1)	...	...	...	...	...	214
s. 78	...	...	...	...	...	216
(1) (vi)	...	...	...	...	...	216
s. 79	...	...	...	...	...	218, 219
(1)	...	...	...	...	...	219
ss. 80, 83 (1), (2)	...	...	...	...	...	219
s. 84 (1)	...	...	...	...	...	213
(2)	...	...	...	...	...	212, 221
(3)	...	...	...	...	...	212
(b)	...	...	...	...	...	213
(ii)	...	...	...	...	...	212
(4)	...	...	...	...	...	212, 213, 214
Sched. I, Part I	...	...	...	...	...	212
Sched. IV	...	...	...	...	...	213

TABLE OF CASES

	PAGE
<i>Breed v. British Drug Houses, Ltd.</i> , [1947] 2 All E.R. 613 ; 112 J.P. 36 ; 63 T.L.R. 558 ; 46 L.G.R. 11 ; 2nd Digest Supp. ...	16
<i>Brown v. Wolfenden</i> , [1946] K.B. 411 ; 110 J.P. 277 ; 115 L.J.K.B. 351 ; 174 L.T. 435 ; 62 T.L.R. 387 ; 90 Sol. Jo. 321 ; 44 L.G.R. 178 ; 2nd Digest Supp....	11
<i>Elkington v. Kesley</i> , [1948] 2 K.B. 256 ; [1948] 1 All E.R. 786 ; 112 J.P. 228 ; [1948] L.J.R. 1195 ; 64 T.L.R. 340 ; 92 Sol. Jo. 259 ; 46 L.G.R. 232 ; 2nd Digest Supp. ...	4, 51
<i>Evans v. Rogers</i> , [1946] K.B. 512 ; [1946] 2 All E.R. 64 ; 110 J.P. 252 ; 115 L.J.K.B. 461 ; 175 L.T. 90 ; 62 T.L.R. 417 ; 90 Sol. Jo. 273 ; 44 L.G.R. 206 ; 2nd Digest Supp. ...	13
<i>Follett v. Luke</i> , [1947] K.B. 289 ; [1947] 1 All E.R. 35 ; 111 J.P. 64 ; [1947] L.J.R. 634 ; 176 L.T. 140 ; 63 T.L.R. 67 ; 91 Sol. Jo. 132 ; 45 L.G.R. 58, 184 ; 2nd Digest Supp. ...	51
<i>Gammack v. Jackson Wyness, Ltd.</i> , [1948] 2 All E.R. 1056 ; 113 J.P. 40 ; 93 Sol. Jo. 42 ; 47 L.G.R. 122 ; 2nd Digest Supp. ...	50
<i>James v. Stein</i> , (1946), 110 J.P. 279 ; 90 Sol. Jo. 467 ; 44 L.G.R. 209 ; 2nd Digest Supp. ...	51
<i>Jordan v. White</i> , (1945), 109 J.P. 229 ; 173 L.T. 73 ; 61 T.L.R. 571 ; 89 Sol. Jo. 392 ; 44 L.G.R. 12 ; 2nd Digest Supp. ...	58, 63
<i>Leach v. United Dairies, Ltd.</i> , [1949] 1 All E.R. 1023 ; 113 J.P. 310 ; 65 T.L.R. 343 ; 93 Sol. Jo. 303 ; 47 L.G.R. 415 ; 2nd Digest Supp. ...	3, 58
<i>Malcolm v. Cheek</i> , [1948] 1 K.B. 400 ; [1947] 2 All E.R. 881 ; 112 J.P. 94 ; [1948] L.J.R. 388 ; 64 T.L.R. 28 ; 92 Sol. Jo. 41 ; 46 L.G.R. 26 ; 2nd Digest Supp. ...	3, 50, 58
<i>Nairne v. Smith (Stephen) & Co., Ltd. and Pharmaceutical Society of Great Britain</i> , [1943] K.B. 17 ; [1942] 2 All E.R. 510 ; 112 L.J.K.B. 108 ; 168 L.T. 175 ; 59 T.L.R. 16 ; 86 Sol. Jo. 349 ; 40 L.G.R. 301 ; 2nd Digest Supp. ...	251
<i>Noss Farm Products, Ltd. v. Lilico</i> , [1945] 2 All E.R. 609 ; 109 J.P. 211 ; 173 L.T. 251 ; 61 T.L.R. 488 ; 89 Sol. Jo. 413 ; 43 L.G.R. 289 ; 2nd Digest Supp....	3, 16, 51
<i>Perrins v. Smith</i> , [1946] K.B. 90 ; [1945] 2 All E.R. 706 ; 110 J.P. 91 ; 115 L.J.K.B. 369 ; 174 L.T. 38 ; 62 T.L.R. 72 ; 90 Sol. Jo. 44 ; 44 L.G.R. 17 ; 2nd Digest Supp. ...	64
<i>Pharmaceutical Society of Great Britain v. Heppells (1932), Ltd.</i> , [1945] K.B. 454 ; [1945] 2 All E.R. 33 ; 109 J.P. 162 ; 114 L.J.K.B. 520 ; 173 L.T. 286 ; 61 T.L.R. 378 ; 89 Sol. Jo. 282 ; 43 L.G.R. 167 ; 2nd Digest Supp....	252
<i>Potter and Clarke, Ltd. v. Pharmaceutical Society of Great Britain</i> , [1947] Ch. 137 ; [1946] 2 All E.R. 561 ; [1947] L.J.R. 402 ; 176 L.T. 39 ; 62 T.L.R. 688 ; 90 Sol. Jo. 585 ; reversed, [1947] Ch. 483 ; [1947] 1 All E.R. 802 ; [1947] L.J.R. 941 ; 176 L.T. 554 ; 63 T.L.R. 309 ; 91 Sol. Jo. 383, C.A. ; 2nd Digest Supp. ...	251
<i>Presser v. Mountain Ash Urban District Council</i> , [1931] 2 K.B. 132 ; 95 J.P. 84 ; 100 L.J.K.B. 266 ; 144 L.T. 549 ; 29 L.G.R. 218 ; 29 Cox, C.C. 265 ; Digest Supp. ...	100
<i>Stone (S.) & Sons (Hounslow), Ltd., v. Pugh</i> , [1949] 1 K.B. 240 ; [1948] 2 All E.R. 818 ; 112 J.P. 448 ; [1949] L.J.R. 497 ; 92 Sol. Jo. 689 ; 47 L.G.R. 26 ; 2nd Digest Supp. ...	12, 13
<i>Webb v. Jackson Wyness, Ltd.</i> , [1948] 2 All E.R. 1054 ; 113 J.P. 38 ; 47 L.G.R. 172 ; 2nd Digest Supp. ...	16

PAGE

- 3 Regulations as to presumptive evidence of adulteration of milk** are now made under section 10 of the Act of 1950, and made jointly by the Minister of Health, Minister of Food and Minister of Agriculture and Fisheries.

Bread and Flour Regulations under section 30 of the Act of 1938, are now made jointly by the Minister of Health and the Minister of Food—1948 Order, art. 2 (a). The coming into operation of the 1948 Order, which resulted in several of the functions of the Minister of Health being transferred to the Minister of Food, or exercised jointly by those Ministers, including the power to make regulations for various purposes, does not invalidate any such regulations made by the Minister of Health alone. Such regulations remain in force to the like extent and subject to the like provisions as if they had been duly made by the Ministers prescribed in the 1948 Order—1948 Order, art. 9 (2).

- 4 Section 92, Food and Drugs Act, 1938.**—The reference to “ the Minister ” in subsections (2) (f), (4) and (6) now refers to “ the Ministers ” being the Minister of Health and the Minister of Food, with the Minister of Agriculture and Fisheries in certain cases, who are now responsible jointly for the making of regulations—1948 Order, art. 9 (1).

- 6 Line 4.**—The Milk and Dairies Regulations, 1926 to 1938, have been repealed and replaced by the Milk and Dairies Regulations, 1949, S.I. 1949, No. 1588.

Line 8.—The Milk (Special Designations) Regulations, 1936 to 1938, have been repealed and replaced by the Milk (Special Designation) (Raw Milk) Regulations, 1949 ; S.I. 1949, No. 1590 ; and the Milk (Special Designation) (Pasteurised and Sterilised Milk) Regulations, 1949 ; S.I. 1949, No. 1589.

Forms of notices, etc.—The Minister of Food is now empowered to make regulations under section 283, Public Health Act, 1936, prescribing the forms of notices, etc., to be used for the purposes of the Act of 1938—1948 Order, art. 9 (1).

- 9 Line 9.**—The functions of the Minister of Health under section 303 of the Public Health Act, 1936, in so far as they relate to arbitrations as to compensation payable

PAGE

- 9 under section 10 (4) of the Act of 1938 (see p. 228 in the Main Work), are now exercisable by the Minister of Food—1948 Order, art. 6 (1) (g).
- 11 **In line 23 add :** In a case where a sanitary officer seized a bottle of milk which looked dirty and subsequently instituted proceedings under section 9 (1) of the Act of 1938 (see p. 232 in the Main Work), it was held that he was acting as a sanitary officer and not a sampling officer, consequently it was not necessary to institute proceedings within 28 days as required by proviso (a) to section 80 (1) of the Act of 1938—*Leach v. United Dairies, Ltd.*, [1949] 1 All E.R. 1023 ; 2nd Digest Supp.
- 14 **In line 10 add :** A manufacturer or wholesale dealer cannot be convicted of an offence in connection with a retail sale where the sale of the food was lawful at the time of sale by the wholesaler but rendered unlawful by new legislation in force at the time of a subsequent sale by retail—*Noss Farm Products, Ltd. v. Lilico*, [1945] 2 All E.R. 609 ; 2nd Digest Supp.

A local authority have power to delegate to one of its officers its discretion under subsection (3) of section 83 of the Act of 1938, to institute proceedings against a prior vendor, by a resolution passed in accordance with the provisions of section 277, Local Government Act, 1933—*James v. Stein* (1946), 110 J.P. 279 ; 2nd Digest Supp.

The licensee of a public house was prosecuted for selling gin containing excess of water. The actual sale was made by an employee. In accordance with the provisions of section 83 (1) of the Act of 1938, the licensee gave to the prosecutor three clear days notice of his intention to have the employee brought before the Court and laid an information against the employee, which, however, was never served because the police were unable to trace him. The defendant proved that the offence had been committed by his employee and not by him. It was held that the defendant, having taken all reasonable steps to have the employee brought before the Court, he was not guilty of the offence. It was also held that the information which, under section 83 (1) must be laid by the original defendant, must be laid not less than three clear days before the proceedings are heard—see *Malcolm v. Cheek*, [1948] 1 K.B. 400 ; [1947] 2 All E.R. 881 ; 2nd Digest Supp. Where the prosecution ask for a Case to be stated against a defendant who has

PAGE

- 14** taken advantage of the procedure prescribed by section 83 (1), it is essential that the third party should be joined as a party to the Case if the result of the Case may be a remission to the justices for re-hearing or with a direction to convict, because otherwise the defendant would lose his right to proceed against the third party on the re-hearing—*Per* Lord Goddard, C.J., in *Elkington v. Kesley*, [1948] 2 K.B. 256 ; [1948] 1 All E.R. 786 ; 2nd Digest Supp.
- 16** **Local Inquiries.**—In so far as they relate to functions transferred to a Minister or Ministers by the 1948 Order, the functions of the Minister of Health under section 318 of the Public Health Act, 1936, have been transferred to the Minister or Ministers concerned—1948 Order, art. 7.
- 17** **Lines 21-38—Government Departments concerned with Food and Drugs. Delete and substitute.**—With the establishment of the Ministry of Food, following the outbreak of war in 1939, that Department gradually became more and more concerned with those aspects of food and drugs administration hitherto the sole responsibility of the Ministry of Health. In November, 1943, a White Paper (Cmd. 6482) was published defining the Government's policy with regard to food standards and labelling (see Main Work, p. 143 *et seq.*). Following the establishment of the Ministry of Food as a permanent Department of State, consideration was given to the relative functions of the two Ministries, Health and Food, in the field of food and drugs administration. The transfer of certain functions from the Ministry of Health to the Ministry of Food was effected by the Transfer of Functions (Food and Drugs) Order, 1948 (S.I. 1948, No. 107)—in this Supplement referred to as the "1948 Order"—made in accordance with the provisions of the Ministers of the Crown (Transfer of Functions) Act, 1946—see Ministry of Health Circular 23/48, 20th February, 1948.

As a result of the operation of the 1948 Order, certain consequential amendments were made in the Regulations made under or kept in operation by the Act of 1938. The amending regulations, which came into operation on 1st June, 1948, are referred to in detail at the appropriate places in this Supplement and may be summarised as follows :—

Milk (Special Designations) Amendment Regulations, 1948.—Revoked by the Milk (Special Designation) Regulations, 1949 ; S.I. 1949, Nos. 1589 and 1590.

Public Health (Condensed Milk) Amendment Regulations, 1948, and Public Health (Dried Milk) Amendment Regulations, 1948.—The Minister of Food is now responsible for allowing modifications of declaration on labels of tins or other receptacles containing condensed or dried milk. Information from the local authority in whose district a consignment of condensed or dried milk is deposited which does not comply with the Regulations, when it has been ascertained that the consignment was manufactured or labelled at a place not in England or Wales, must now be sent to the Ministry of Food.

Public Health (Preservatives, etc. in Food) Amendment Regulations, 1948.—The Minister of Food is now responsible for allowing a modification of declaration upon labels required for certain foods containing preservative, and for an article sold as a preservative.

Public Health (Imported Food) (Amendment No. 2) Regulations, 1948.—The Minister of Food is now responsible for the recognition of an Official Certificate.

Public Health (Meat) Amendment Regulations, 1948.—The Minister of Food now authorises meat marking schemes and approval of marks.

Public Health (Shell-fish) Amendment Regulations, 1948.—In addition to informing the Ministers of Health and Agriculture of action taken by them under the Public Health (Shell-fish) Regulations, 1934, local authorities must also send such information to the Minister of Food—see Ministry of Health Circular 81/84 (31/5/48).

Briefly, the 1948 Order transfers to the Minister of Health and the Minister of Food acting jointly, the powers of the Minister of Health to make regulations relating to the importation, storage, preparation and sale of food ; the composition of bread and flour ; the production, distribution and sale of milk ; the use of special designations for milk ; and prescribing the qualifications of a public analyst. So far as milk and dairies and milk special designations are concerned, the Minister of Agriculture and Fisheries is joined with the Ministers of Health and Food in the making of regulations. The powers of the Minister of Agriculture under the Act of 1938, to make regulations as to presumptive evidence of adulteration of milk, are transferred to the Ministers of Agriculture, Food and Health, acting jointly. Certain other administrative functions, set out below (and noted throughout this Supplement), originally exercisable under the Act of 1938 by the Minister of Health, or, in some cases, by the Minister of Agriculture and Fisheries, are also transferred to the Minister of Food. *It is important to note that the duties of enforcement and*

PAGE

- 17** *execution placed by the Act of 1938 upon local authorities are not affected by the 1948 Order.*

Generally speaking, the effect of the 1948 Order is to make the Minister of Food primarily responsible for all matters relating to the composition, purity and hygiene of food, but the Minister of Health will continue to be interested in these matters, being responsible, jointly with the Minister of Food—and in some cases with the Minister of Agriculture also—in the making of regulations.

The following paragraphs summarise the functions of the various Government Departments, consequent upon the operation of the 1948 Order.

- 18** **For the first two paragraphs on this page substitute.**—The *Ministry of Health* are responsible for the following matters connected with food and drugs :—

- (1) *Drugs* ;
- (2) *Food poisoning*.—Sections 17 and 18 of the Act of 1938—see p. 322 *et seq.* in the Main Work ;
- (3) *Shell-fish*.—Public Health (Shell-fish) Regulations, 1932 ; and section 39 of the Act of 1938—see p. 299 *et seq.* in the Main Work ;
- (4) *Ice-cream*.—Ice Cream (Heat Treatment, etc.) Regulations, 1947—see *post*, p. 121 in this Supplement ; and section 37 of the Act of 1938—see p. 401 in the Main Work ;
- (5) *Milk and dairies*.—That portion of the Milk and Dairies Regulations relating to milk infected with disease—see *post*, p. 125 *et seq.* in this Supplement ; and the Public Health (Imported Milk) Regulations, 1926—see p. 341 in the Main Work ;
- (6) *Markets*.—Sections 44 to 56 of the Act of 1938—see p. 472 *et seq.* in the Main Work ;
- (7) *Slaughterhouses, cold air stores and knackers yards*.—Sections 57 to 63 of the Act of 1938—see pp. 258 *et seq.* and 484 in the Main Work ;
- (8) *Constitution of food and drugs authority*.—Section 64 of the Act of 1938—see p. 18 in the Main Work ; and
- (9) *Regulations*.—The Minister of Health will act jointly with the Minister of Food in the making of Regulations under—
 - (i) section 8 of the Act of 1938—see p. 159 in the Main Work ;
 - (ii) section 30 of the Act of 1938—see p. 223 in the Main Work ;
 - (iii) section 66 (2) of the Act of 1938—see p. 38 in the Main Work ;
 - (iv) section 69 (3) of the Act of 1938—see p. 80 in the Main Work ;

- (v) section 13 of the Act of 1950—see *post*, p. 133 in this Supplement—except in so far as the regulations relate to raw milk ;

The Minister of Health will act jointly with the Minister of Food and the Minister of Agriculture and Fisheries in the making of regulations under—

- (vi) section 1 of the Act of 1950—see *post*, p. 83 in this Supplement ;
- (vii) section 13 of the Act of 1950—see *post*, p. 133 in this Supplement—in so far as the Regulations relate to raw milk ; and
- (viii) section 10 of the Act of 1950—see *post*, p. 16 in this Supplement.

The *Ministry of Food* are responsible for the following matters connected with food and drugs :—

- (1) *Composition of food and drugs* (including food standards and labelling)—see p. 111 *et seq.* in the Main Work ;
- (2) *Public Analysts*, appointment, qualifications and reports—see p. 38 *et seq.* in the Main Work ;
- (3) *Unsound food* (except food poisoning and disease contaminated food)—see p. 225 *et seq.* in the Main Work ;
- (4) *Milk distribution*—see p. 360 *et seq.* in the Main Work ;
- (5) *Bread and flour*—see p. 223 in the Main Work ;
- (6) *Meat inspection*—see p. 237 *et seq.* in the Main Work ;
- (7) *Sampling of food*—section 72 of the Act of 1938—see p. 77 in the Main Work.
- (8) *Default powers*—section 93 of the Act of 1938—see p. 27 in the Main Work ;
- (9) *Arbitrations* for compensation under section 10 (4) of the Act of 1938—see p. 8 in the Main Work ;
- (10) *Margarine, margarine-cheese and milk-blended butter*.—Sections 33 to 35 and 73 of the Act of 1938—see p. 197 *et seq.* in the Main Work ;
- (11) *Imported foods* (except milk)—sections 40 and 42 of the Act of 1938—see p. 332 *et seq.* in the Main Work ;
- (12) *Inquiries*.—In relation to matters coming within the province of the Minister of Food—section 318 of the Public Health Act, 1936—see p. 16 in the Main Work ;
- (13) *Regulations*.—The Minister of Food will act jointly with the Minister of Health in the making of Regulations under—
 - (i) section 8 of the Act of 1938—see p. 159 in the Main Work ;
 - (ii) section 30 of the Act of 1938—see p. 223 in the Main Work ;
 - (iii) section 66 (2) of the Act of 1938—see p. 38 in the Main Work ;

PAGE

18

- (iv) section 69 (3) of the Act of 1938—see p. 80 in the Main Work ;
- (v) section 13 of the Act of 1950—see *post*, p. 133 in this Supplement—except in so far as the regulations relate to raw milk ;

The Minister of Food will act jointly with the Minister of Health and the Minister of Agriculture and Fisheries in the making of regulations under :—

- (vi) section 1 of the Act of 1950—see *post*, p. 83 in this Supplement ;
- (vii) section 13 of the Act of 1950—see *post*, p. 133 in this Supplement—in so far as the Regulations relate to raw milk ; and
- (viii) section 10 of the Act of 1950—see *post*, p. 16 in this Supplement.

The Ministry of Food's responsibilities under the new arrangements are now discharged by three Divisions :—

The *Food Standards and Labelling Division* is responsible for the promotion of food standards and exercises the central department's functions in relation to those sections of the Act of 1938 dealing with the composition and description of food, the Defence (Sale of Food) Regulations and the Labelling of Food Order. It handles all technical correspondence with chemists.

The *Food Hygiene Division* is responsible for the promotion of measures to improve hygienic conditions in the food trades and exercises the central department's functions in relation to those sections of the Act of 1938 dealing with food inspection and hygiene.

The *Liaison Division (Food Standards and Food Hygiene)* provides, for the two Divisions above, a liaison with the local authorities and with the public (other than manufacturers and traders). It deals with all enquiries from local authorities regarding day to day administration of the above legislation, including applications for the Minister's consent to prosecutions, Public Analysts' appointments and reports, and applications under sections 15 and 16 of the Act of 1938. It is also responsible for liaison with the local authority associations and professional bodies.

- 21 **Food and Drugs Act, 1938, section 65.**—Paragraphs (b) and (c) of subsection (1) have been repealed—see section 36 and Sched. V of the Act of 1950. See now ss. 9, 29 and 30 of that Act.
- 22 **Line 16.**—The quarterly reports of public analysts are now transmitted to the Ministry of Food—1948 Order, art. 6 (1) (d).

PAGE

- 22- Authorities for enforcement of provisions of Food and**
26 Drugs Act, 1938.—Consequent upon the coming into operation of the Food and Drugs (Milk, Dairies and Artificial Cream) Act, 1950, section numbers should be amended as follows :—

<i>Section of Act of 1938 repealed</i>	<i>Section of Act of 1950 in which provisions re-enacted</i>
20	1
21	13 and 15
22	Sched. I
23	10
24	9
25	8
26	11
27	29
28	30
29	31
65 (1) (b) & (c) Sched. I (1)	9 (4) ; 29 (4) & 30 (6) Sched. II

- 27 Line 1.**—The powers of the Minister of Health in regard to defaulting food and drugs authorities, contained in section 93 of the Act of 1938, have been transferred to the Minister of Food—1948 Order, art. 6 (1) (f).
- 27- Public Health Act, 1936, sections 321-325.**—The provisions of these sections with respect to defaulting local authorities, which enable the Minister of Health to exercise certain powers where a local authority defaults in the exercise of its functions under the Act of 1938, have been transferred to the Minister of Food, except in relation to the functions of local authorities under the following provisions of the Act of 1938 :—
- (i) sections 17 and 18 (relating to food poisoning) ;
 - (ii) section 37 (relating to milk-borne diseases spread by ice-cream) ;
 - (iii) section 39 (relating to the cleansing of shell-fish) ; and
 - (iv) Part V (relating to markets, slaughterhouses and cold air stores)—see 1948 Order, art. 8.
- 28 Line 38 and footnote (b).**—Section 34 of the Diseases of Animals Act, 1894, has been repealed and replaced by section 63 of the Diseases of Animals Act, 1950.
- 31 Line 31—Minister of Health.**—The functions of the Minister of Health with respect to the union of districts under section 6 of the Public Health Act, 1936, and the

PAGE

- 31** constitution of joint boards under section 8 of that Act, have now been transferred to the Minister of Local Government and Planning—see Transfer of Functions (Minister of Health and Minister of Local Government and Planning) (No. 1) Order, 1951 (S.I. 1951, No. 142).

Food and Drugs Act, 1938, section 75.—The words “ or by the council of a Metropolitan borough ” in subsection (1) were repealed by section 207 and Sched. VIII, London Government Act, 1939.

- 37 Footnote (i).**—The provisions of the Food and Drugs Act, 1938, relating to milk and dairies, have now been repealed, and re-enacted in the Food and Drugs (Milk, Dairies and Artificial Cream) Act, 1950.

- 38 Section 66, Food and Drugs Act, 1938, subsection (2).**—The functions of the Minister of Health under this subsection, relating to the qualifications of public analysts, are now exercised jointly by the Minister of Health and the Minister of Food—1948 Order, art. 2 (b) ;

Subsection (3).—The functions of the Minister of Health under this subsection, relating to the appointment, terms of appointment and removal of public analysts, have been transferred to the Minister of Food—1948 Order, art. 6 (1) (b).

- 39 Qualifications and footnote (u).**—The Public Analysts Regulations, 1939, remain in force, notwithstanding the operation of the 1948 Order—1948 Order, art. 9 (2).

- 40 Line 11.**—The powers of the Minister of Health under section 72 of the Act of 1938, relating to the sampling, analysis and examination of food, have been transferred to the Minister of Food—1948 Order, art. 6 (1) (c).

Certificate of Analysis.—The form of certificate to be used by public analysts, prescribed by the Public Analysts Regulations, 1939, remains in use, notwithstanding the operation of the 1948 Order—1948 Order, art. 9 (2).

- 41 Line 33 and footnote (c).**—The functions of the Minister of Health under subsection (1) of section 81 of the Act of 1938, which provides that in any proceedings under that Act the production of a certificate of a public analyst in the form prescribed by that Minister shall be sufficient evidence of

PAGE

- 41** the facts stated therein, have been transferred to the Minister of Health and the Minister of Food, acting jointly—1948 Order, art. 2 (d).

Quarterly Reports.—Food and drugs authorities must now send copies of quarterly reports of the public analyst to the Ministry of Food and not the Ministry of Health—1948 Order, art. 6 (1) (d).

- 42 Powers of Officers of Government Departments.**—The provisions of section 68 (4) of the Act of 1938, relating to the taking of samples of milk by an inspector of the Ministry of Health, have been transferred to the Ministry of Food—1948 Order, art. 6 (1) (c).

- 43 Line 1 and footnote (p).**—The provisions of section 72 of the Act of 1938, relating to the taking of samples of any specified food by an inspector of the Ministry of Health, have been transferred to the Ministry of Food—1948 Order, art. 6 (1) (c).

- 44 Subsection (6).**—The Diseases of Animals Acts, 1894 to 1937, have been repealed, and re-enacted in the Diseases of Animals Act, 1950.

- 47 Last Paragraph.**—The Act of 1944 came into operation on 1st October, 1949.

- 52 Line 1.**—The provisions of section 68 (4) of the Act of 1938, relating to the taking of samples of milk by an inspector of the Ministry of Health, have been transferred to the Ministry of Food—1948 Order, art. 6 (1) (c).

- 55 Line 10, add :** When an officer of one authority has requested the officer of another authority to take a sample of milk at a dairy, in accordance with the provisions of subsection (5) of section 68 of the Act of 1938, a sample taken after the milk has left the dairy is not taken in compliance with such provisions—*Brown v. Wolfenden*, [1946] K.B. 411 ; 2nd Digest Supp.

- 56 After subsection (3) (b), line 37 add :** *Emergency Provisions.*—During the period of food control, a sampling officer within the meaning of the Act of 1938, who is authorised by that Act to purchase or take samples of any

PAGE

- 56** article of food, may, on producing some document duly authenticated for the purposes of that Act and identifying him as a sampling officer, purchase or take such samples notwithstanding any restriction upon the purchase or obtaining of such article of food contained in any Order made by the Minister of Food for the time being in force—*The Sampling of Food Order, 1942, S.R. & O. 1942, No. 531, as amended by S.R. & O. 1942, Nos. 1199 and 2451—art. 7.*

In order that the Food Executive Officer may be in a position to check vendors' requests for replacement of stock, sampling officers have been provided with printed receipts which must be handed by the sampling officer to the vendor at the time any sample of rationed or points or personal points rationed food is procured for the purposes of the Act of 1938, without the surrender of coupons. Further supplies of books of receipt forms may be obtained from the Ministry of Food. The name of the local authority must be entered on the back of the receipt form by means of an official stamp, and sampling officers must enter on the face of the receipt the commodity concerned and the weight or points value as the case may be of the sample taken—see Ministry of Health Circular No. 2856, September, 1943.

- 61 Before line 1, add :** It should be noted that where a sample is taken in course of delivery or at the place of delivery to the purchaser, consignee or consumer, as provided by subsection (2) of section 70 (p. 56 of the Main Work), the first portion of the sample *must* be retained by the sampling officer unless the name and address of the consignor appear on the container, in which case he must forward that portion of the sample to the consignor by registered post or otherwise, together with a notice informing that person that he intends to have part of the sample analysed by the public analyst—see *Stone (S.) & Sons (Hounslow), Ltd. v. Pugh*, [1949] 1 K.B. 240 ; [1948] 2 All E.R. 818 ; 2nd Digest Supp.
- 64 Line 29 and footnote (n).**—Article 29 of the Milk and Dairies Order, 1926, has been revoked, and re-enacted in Regulation 27 of the Milk and Dairies Regulations, 1949—S.I. 1949, No. 1588.
- 71 Line 29. Add :** It should be noted that where a sample is taken in course of delivery or at the place of delivery to the

PAGE

71 purchaser, consignee or consumer, as provided by subsection (2) of section 70 of the Act of 1938, the first portion of the sample *must* be retained by the sampling officer unless the name and address of the consignor appear on the container, in which case he must forward that portion of the sample to the consignor by registered post or otherwise, together with a notice informing that person that he intends to have part of the sample analysed by the public analyst—see *Stone (S.) & Sons (Hounslow), Ltd. v. Pugh*, [1949] 1 K.B. 240 ; [1948] 2 All E.R. 818 ; 2nd Digest Supp.

72 **After line 4, add :** The effect of the Milk Marketing Board's contract on the sampling of milk in course of delivery was further considered in the case of *Evans v. Rogers*, [1946] K.B. 512 ; [1946] 2 All E.R. 64 ; 2nd Digest Supp. In this case the Board had given a direction that the milk should be collected by the haulier at the farm where it was produced. The haulier having taken delivery of the milk at that point, the milk ceased to be in course of transit, and accordingly a sample taken at the time the milk was being delivered to a creamery, was not taken in accordance with the provisions of section 68 (4) of the Act of 1938.

This case further confirms the importance of ascertaining from the Milk Marketing Board, the exact point at which the milk is to be delivered by the farmer to the Board's haulier, as at that point the interest in the milk passes from the producer to the Board.

73 **Add to paragraph following the diagrams.**—The sampling of a consignment of milk which is contained in a number of churns, often presents difficulties which are not readily overcome, except by the taking of a separate sample from *each* churn. Although, as pointed out in the main work, it may be possible to take a composite sample from a number of churns by pouring the whole of the consignment into a receiving tank, this will only be practicable on comparatively rare occasions. As a general rule, therefore, a separate sample should be taken from each churn, the quantity of milk in each being accurately recorded and notified to the public analyst, who will then be in a position to give an opinion as to the composition of the whole of the milk forming the one consignment. As an alternative, the method described in the main volume, whereby a small portion of the milk from each churn is placed in the sampling jug,

PAGE

- 73** from which one sample is obtained, may be followed. In such cases, great care is needed thoroughly to mix the milk in each churn before the portion of milk is taken.
- 77 Sampling by Officers of Government Departments.**—The functions of the Minister of Health relative to the sampling of food, under section 72 of the Act of 1938, have been transferred to the Minister of Food—1948 Order, art. 6 (1) (c).
- 78 Line 4.**—The powers of the Minister of Agriculture and Fisheries under section 73 of the Act of 1938 (relative to the inspection of premises and the taking of samples of butter, margarine, margarine-cheese or milk-blended butter), have been transferred to the Minister of Food—1948 Order, art. 6 (3) (a).
- 80 Section 69, Food and Drugs Act, 1938—subsection (3).**—The power to make regulations prescribing the form of analysts' certificate, has been transferred to the Minister of Food—1948 Order, art. 2 (c).
- 81 Line 17.**—The form of analysts' certificate must now be prescribed by the Minister of Food instead of the Minister of Health, the former being responsible for the making of Regulations under section 69 (3) of the Act of 1938—1948 Order, art. 2 (c).
The Public Analysts Regulations, 1939, which prescribe the form of analyst's certificate at present in use, remain in operation notwithstanding the provisions of the 1948 Order—1948 Order, art. 9 (2).
- 82 Local authorities (ii).**—The sampling of milk for keeping quality, carried out by local authorities, is restricted to consumer milk, as the Ministry of Agriculture and Fisheries are now responsible for the supervision of milk production on dairy farms. Consequently, local authority officers have no authority to take samples of milk *on a dairy farm* for examination for keeping quality. Similarly, the Ministry of Agriculture are responsible for the sampling of designated milk on dairy farms to ensure that such milk complies with the provisions of the Milk (Special Designation) Regulations. Local authorities are still empowered to sample designated milk after it leaves the place of production.

PAGE

82 Line 28—the National Milk Testing and Advisory Scheme.—This scheme came to an end on 1st October, 1949, the date when the Minister of Agriculture became responsible for the supervision of milk production on dairy farms. It should be noted that from that date, there has been no official scheme for the *routine* sampling and testing of non-designated milk at the place of production. Where, however, facilities are available, such milk may be sampled and tested by the buyer at the place of delivery after transit from the farm.

Tests Applied to Milk.—The coliform test has ceased to be one of the official tests applied to designated milk. With the ending of the National Milk Testing and Advisory Scheme, the resazurin test has ceased to be used for official purposes. The *turbidity test* is the official test applied to "Sterilised milk".

83 Methylene blue test.—The technique for carrying out the methylene blue test on samples of *raw* designated milk is now contained in the Milk (Special Designation) (Raw Milk) Regulations, 1949—S.I. 1949, No. 1590—see *post*, p. 160 in this Supplement ; and the technique for carrying out the methylene blue test on *Pasteurised Milk* is contained in the Milk (Special Designation) (Pasteurised and Sterilised Milk) Regulations, 1949—S.I. 1949, No. 1589—see *post*, p. 178 in this Supplement.

86 Coliform test.—The coliform test has ceased to be one of the prescribed tests for designated milk.

89 Phosphatase test.—The technique for carrying out the phosphatase test on samples of Pasteurised Milk is contained in the Milk (Special Designation) (Pasteurised and Sterilised Milk) Regulations, 1949—S.I. 1949, No. 1589—see *post*, p. 178 in this Supplement.

92 Plate count test.—It should be noted that this is not now one of the official tests applied to milk sold under a special designation prescribed by the Milk (Special Designation) Regulations, 1949.

95 Resazurin test.—The National Milk Testing and Advisory Scheme having come to an end, the resazurin test is not now an *official* test applied to milk.

PAGE

- 103 Line 9.**—The procedure for the sampling of raw designated milk is now contained in the Third Schedule to the Milk (Special Designation) (Raw Milk) Regulations, 1949—S.I. 1949, No. 1590, see *post*, p. 158 in this Supplement ; and for heat treated designated milk in the Third Schedule to the Milk (Special Designation) (Pasteurised and Sterilised Milk) Regulations, 1949—S.I. 1949, No. 1589, see *post*, p. 174 in this Supplement.
- 110 Line 3.**—Section 22 of the Act of 1938, has been repealed and re-enacted in Sched. I to the Act of 1950.
- 113 Add at end of first paragraph.**—A manufacturer or wholesale dealer cannot be convicted of an offence in connection with a retail sale where the sale of the food was lawful at the time of sale by the wholesaler but rendered unlawful later by new legislation in force at the time of the subsequent sale by retail— *Noss Farm Products, Ltd. v. Lilico*, [1945] 2 All E.R. 609 ; 2nd Digest Supp.
- 118 Line 31 and footnote (m).**—See also *Webb v. Jackson Wyness, Ltd.*, [1948] 2 All E.R. 1054 ; 2nd Digest Supp. ; a case relating to vinegar, where the standard of 4 per cent. acetic acid adopted by public analysts, the Non-Brewed Vinegar Manufacturers' Association, and the Ministry of Food, was considered by the Court evidence which should have been accepted as the standard for genuine vinegar.
- 119 Line 7.**—An advisory committee on food standards has now been established by the Ministry of Food.
- Line 22, add after (r).**—In a case where a quantity of pills was sold and found to be deficient in drug dosage, the manufacturers proved that the pills were prepared by hand and that during the process of making a certain amount of material was apt to stick to the hands. It was held, however, that an offence had been committed under section 3 of the Act of 1938. If a manufacturer knows that by reason of the method of manufacture pills may be deficient in the drug ingredient ordered, notice to that effect should be given to the purchaser—see *Breed v. British Drug Houses, Ltd.*, [1947] 2 All E.R. 613 ; 2nd Digest Supp.
- 121 Section 23, Food and Drugs Act, 1938.**—This section has been repealed and re-enacted in section 10 of the Act of

PAGE

121 1950, which empowers the Minister of Health, Minister of Food and the Minister of Agriculture acting jointly to make regulations for determining what deficiency in any of the normal constituents of milk, or what proportion of water, in a sample shall for the purposes of the Acts of 1938 and 1950, raise a presumption, until the contrary is proved, that the article sampled is not genuine milk.

Section 24, Food and Drugs Act, 1938.—This section has been repealed and replaced by section 9 of the Act of 1950, which is in precisely similar terms, with the addition of subsection (4) which imposes on every food and drugs authority the duty of enforcing the provisions of the section within their area, with a view to securing that food is sold only in a pure and genuine condition. Previously this duty was imposed on food and drugs authorities by section 65 (1) (b) of the Act of 1938 (see page 21 in the Main Work), which was repealed by the Act of 1950.

131 Kind and Quality of Food.—Investigations are at present in progress which may well show that the kind and quality of food fed to milk cows has a more pronounced effect on the quality of the milk produced, than has hitherto been considered to be the case. There seems to be some evidence to support the view that the restriction in the quality of animal feeding stuffs rendered necessary during the period of the war, 1939–45, has had an adverse effect on the quality of milk now produced by the average dairy herd. The final results of the work at present in progress will be awaited with interest—see Kay, H. D., *The Sanitarian*, 56, 11, 322.

143 Line 44 and footnote (u).—The Food Substitutes (Control) Order, 1941, was revoked with effect from 11th June, 1950, following the revocation of the Manufactured and Pre-packed Foods (Control) Order, 1942 (S.R. & O. 1942, No. 1863). These two Orders were made when a severe shortage of foods developed, and a wide range of miscellaneous foodstuffs, including food substitutes, were subjected to a system of licensing operated and enforced by the Ministry of Food. Certain matters, formerly dealt with by the Ministry, would, as far as necessary, now fall to be dealt with under other legislation enforceable by food and drugs authorities, including the Food and Drugs Acts, the Defence (Sale of Food) Regulations, and the Labelling of Food Order—see Ministry of Food Circular, M.F. 10/50 (12th June, 1950).

PAGE

144 Line 13—Regulations.—The power to make regulations under section 8 of the Act of 1938, is now exercised jointly by the Minister of Health and the Minister of Food—1948 Order, art. 2 (a).

Last paragraph.—The Minister of Food is authorised to act if it appears expedient to him so to do “for the protection of the public” these latter words being added by an amendment contained in the Emergency Laws (Transitional Provisions) Act, 1946.

145 Food Standards (General Provisions) Order 1944.—Amended by S.R. & O. 1944, No. 654.

Food Standards (Mustard) (No. 2) Order, 1944.—Amended by S.R. & O. 1947, No. 650 and S.I. 1948, No. 1073.

Food Standards (Preserves) Order, 1944.—Amended by S.R. & O. 1944, No. 842 ; 1946, Nos. 157 and 1221 ; 1949, No. 1893 ; and 1950, Nos. 1056 and 1871.

Add the following to the list of Orders :—

Fluorine in Food Order, 1947—S.R. & O. 1947, No. 1134.

Mineral Oil in Food Order, 1949—S.I. 1949, No. 614, as amended by Mineral Oil in Food (Amendment) Order, 1950, S.I. 1950, No. 1239.

Food Standards (Table Jellies) Order, 1949—S.I. 1949, No. 1656.

Food Standards (Curry Powder) Order, 1949—S.I. 1949, No. 1816.

Food Standards (Tomato Ketchup) Order, 1949—S.I. 1949, No. 1817.

Food Standards (Fish Cakes) Order, 1950—S.I. 1950, No. 589.

Food Standards (Ice Cream) Order, 1951—S.I. 1951, No. 13.

146- 159 Labelling of Food (No. 2) Order, 1944.—This Order has been revoked and replaced by the Labelling of Food Order, 1950 (S.I. 1950, No. 1061), *infra*, the provisions of which came into operation on 1st November, 1950. The new Order substantially re-enacts in a consolidated form the Labelling of Food Order, 1946, and its amending Orders but weights and measures provisions have been omitted. Certain new provisions have been introduced, the principal ones being as follows :—

- (a) to provide for the use of the description ginger wine or orange wine for products wholly or partly derived from fruit other than grapes (Article 4 (b)) ;
- (b) to permit the sale of Black Beer and Rum containing not less than 20 per cent. proof spirit (Article 4 (d)) ;

PAGE

146-

159

- (c) to permit the sale of alcoholic cordial containing not less than 5 per cent. proof spirit subject to special labelling requirements (Article 4 (d) (iv)) ;
- (d) to permit the sale of bitters containing not less than 15 per cent. proof spirit (Article 4 (d) (v)) ;
- (e) to permit the sale of non-alcoholic fruit (or vegetable) juice cocktail containing not less than 80 per cent. undiluted fruit or vegetable juice (Article 4 (d) (vi)) ;
- (f) to provide that all liquors for which tonic, restorative or medicinal properties are claimed or which are held out to be beneficial for invalids shall be labelled with a statement indicating the quantity of the ingredients on which the claim is based (Article 4 (g)) ;
- (g) to impose requirements as to the labelling of prepacked concentrated acetic acid (Article 6 (2)) ;
- (h) to prohibit the claiming of tonic properties for any food by reason only that the food contains (a) alcohol, (b) sugars or other carbohydrates, (c) protein or substances prepared by the hydrolysis of protein, or (d) caffeine or other purine derivatives (Article 7) ;
- (i) to require that pre-packed cheese be labelled in compliance with the provisions of the Order except as regards declaration of ingredients ;
- (j) to require that the ingredients of Christmas puddings be specified after the 31st March, 1951.
- (k) to permit nuts and synthetic cream to be designated as such when forming an ingredient of some other food ; fish to be designated as such when forming an ingredient of fish products, and vine fruits to be designated as such when forming an ingredient of some other food other than a beverage (Item 3 of Table A of the First Schedule) ;
- (l) to require tomato ketchup, catsup, sauce and relish prepacked for sale as such to be labelled with a declaration of ingredients (Table C of the First Schedule).

The provisions of this Order come into force on the date specified in Article 18 thereof, on which date the Labelling of Food Order, 1946, is revoked.

Labelling of Food Order, 1950, S.I. 1950, No. 1061

Article 1. Interpretation.—(1) In this Order—

“ The Minister ” means the Minister of Food.

“ Advertisement ” includes any notice, circular, label, wrapper or other document, and any public announcement made orally or by any means of producing or transmitting light or sound.

“ Food ” means any article used as food or drink for human consumption and includes any substance which is intended for use in the composition or preparation of food, any flavouring, sweetening matter or condiment, and any colouring matter

PAGE

146-

159

intended for use in food, and an article shall not be deemed not to be food by reason only that it is also capable of being used as a medicine.

“ Food imported on government account ” means food imported into the United Kingdom the property in which was at the time of importation vested in, or which was at that time consigned directly to, His Majesty or a government department or a person acting as agent for His Majesty or a government department, in connection with any of the purposes specified in sub-section (1) of section one of the Supplies and Services (Transitional Powers) Act, 1945, as extended by the Supplies and Services (Extended Purposes) Act, 1947.

“ Intoxicating liquor ” means spirits, wine, beer, cider, perry and sweets and any fermented, distilled or spirituous liquor which cannot be lawfully sold without an excise licence.

“ Pre-packed ” means packed or made up in advance ready for retail sale in a wrapper or container, and where any food packed or made up in a wrapper or container is found on any premises where such food is packed, kept or stored for sale, the food shall be deemed to be pre-packed unless the contrary is proved, and it shall not be sufficient proof of the contrary to show that the food had not been labelled in accordance with the provisions of this Order.

“ Public Analyst ” has the same meaning as in the Food and Drugs Act, 1938.

“ Retail sale ” means any sale to a person buying otherwise than for the purpose of re-sale, but does not include a sale to a caterer for the purposes of his catering business, or a sale to a manufacturer for the purposes of his manufacturing business.

(2) Any reference in this Order to a label marked on a wrapper or container shall be construed as including a reference to any legible marking on the wrapper or container however effected.

(3) Where any food is referred to in this Order, any description or definition of that food in any other Order of the Minister for the time being in force shall, unless a contrary intention appears, apply for the purposes of this Order and if such food is described or defined in an Order of the Minister regulating prices and also in any other Order of the Minister, only the description or definition mentioned in the first mentioned Order shall apply for the purposes of this Order.

(4) References in this Order to any Order or Regulations shall be construed as referring to that Order or those Regulations as amended by any subsequent Order or Regulations whether made before or after the making of this Order and, if any Order or Regulations referred to in this Order is or are replaced by any such subsequent Order or Regulations the references shall be construed as referring to that subsequent Order, or those subsequent Regulations.

PAGE

146-
159

Article 2. Requirements as to the retail sale of pre-packed food.—

(1) Subject to the provisions of this Article and to the exemptions specified in the First Schedule to this Order, no person shall sell by retail or display for sale by retail any pre-packed food, unless there appears on a label marked on or securely attached to the wrapper or container a true statement as to the matters hereinafter mentioned in this Article.

The said statement shall be clearly legible and shall appear conspicuously and in a prominent position on the label, and if the food is pre-packed in more than one wrapper or container, the label shall be marked on or attached to the innermost wrapper or container and, if it is not clearly legible through the outermost wrapper or container, a label bearing a like statement shall be marked on or securely attached to, or be clearly legible through, the outermost wrapper or container. For the purposes of this provision, a "liner" (that is to say, a plain immediate wrapping which under ordinary conditions of use would not be removed from the next outer wrapper or container) shall not be counted as a wrapper or container.

(2) The said statement must specify the name of either the packer or the labeller of the food and an address at which such person carries on business :

Provided that—

- (a) where the food is packed or labelled on behalf of or on the instructions of another person and such other person carries on business at an address in the United Kingdom, the statement may specify the name and the said address of that other person instead of the name and address of the packer or labeller, as the case may be ;
- (b) it shall be sufficient if instead of the particulars specified in this paragraph there appears prominently on the label a trade mark (other than a certification trade mark) of which there is in the Trade Marks Register kept under the authority of the Trade Marks Act, 1938, a subsisting entry in respect of such food, and if there is associated therewith on the label the words " Registered Trade Mark ".

(3) The said statement must also specify—

- (a) in the case of a food consisting of one ingredient the appropriate designation of the ingredient ;
- (b) in the case of a food made of two or more ingredients the common or usual name (if any) of the food and the appropriate designation of each ingredient, and, unless the quantity or proportion of each ingredient is specified, the ingredients shall be specified in the order of the proportion in which they were used, the ingredient used in the greatest proportion (by weight) being specified first :

Provided that—

- (i) it shall not be necessary to state that the food contains water ;

PAGE

146-

159

- (ii) where a food contains an ingredient which is made from two or more constituents, the appropriate designations of those constituents shall be so specified and it shall not be necessary to specify the appropriate designation of that ingredient.

For the purposes of this paragraph " appropriate designation " means a name or description, being a specific and not a generic name or description, which shall indicate to a prospective purchaser the true nature of the ingredient or constituent to which it is applied.

(4) Paragraph (3) of this Article shall not apply to intoxicating liquor pre-packed for sale as such, but in the case of such pre-packed intoxicating liquor the said statement must also specify the appropriate designation of the product and, except in the case of beer, cider and perry and of wine obtained by the fermentation in the district of its origin of the juice of freshly gathered grapes which wine has not been subject to any process so as to alter its character, such one of the following declarations as may be applicable or such other declaration substantially to the like effect as may be allowed by the Minister :—

- (i) in the case of undistilled fermented liquor, not made from freshly gathered grapes, which in so far as it is derived from fruit, is derived exclusively from one variety of fruit :—

FRUIT BASIS EXCLUSIVELY (x)
NOT LESS THAN (y)

- (ii) in the case of undistilled fermented liquor, not made from freshly gathered grapes, derived from more than one variety of fruit :—

FRUIT BASIS (x) AND (x)
NOT LESS THAN (y)

- (iii) in the case of undistilled fermented liquor which is not derived wholly or in part from fruit :—

NOT MADE FROM FRUIT
NOT LESS THAN (y)

- (iv) in the case of brandy, gin, rum and whisky, the alcohol content of which is less than 65 per cent. proof spirit :—

DILUTED WITH WATER TO NOT
LESS THAN (y)

PAGE

146-

159

Provided that this requirement shall not apply to brandy the alcohol content of which has fallen below 65 per cent. proof spirit only through maturing in cask ;

- (v) in the case of any other intoxicating liquor to which the requirements of this paragraph (4) as to declaration apply :—

NOT LESS THAN (y)

The declaration shall be completed by inserting at (x) in cases (i) and (ii) a word or words accurately specifying the description of fruit or fruit products as used by the manufacturer in the process of fermentation and at (y) in cases (i) (ii) (iii) and (v), except as respects brandy the alcohol content of which has fallen below 65 per cent. proof spirit only through maturing in cask, the minimum alcohol content expressed in figures either as a percentage by volume or as a percentage of proof spirit and followed by the words "PER CENT. ALCOHOL BY VOLUME" or "PER CENT. PROOF SPIRIT" as the case may be.

In case (iv) above and in case (v) as respects brandy the alcohol content of which has fallen below 65 per cent. proof spirit only through maturing in cask the declaration shall be completed by inserting at (y) the minimum alcohol content expressed in figures either as a percentage of proof spirit followed by the words "PER CENT. PROOF SPIRIT" or as degrees proof followed by "° PROOF".

In case (ii) the fruit or fruit products used shall be specified in the order of the proportion in which they were used, that used in the greatest proportion (by weight) being specified first.

In every case, the declaration shall be printed in dark block type upon a light coloured ground and shall be enclosed by a dark surrounding line in the manner indicated above and no matter other than that hereinbefore described shall be printed within such surrounding line, provided that in the case of brandy, gin, rum and whisky, the alcohol content of which is not less than 65 per cent. proof spirit and of any other intoxicating liquor the alcohol content of which is not less than 40 per cent. proof spirit, it shall be sufficient for the declaration to be printed in dark block type upon a light coloured ground or in light block type upon a dark coloured ground in the following form :—

(z) ° PROOF

inserting at (z) the figure which represents the percentage of proof spirit.

The declaration shall be printed in block type not less than 1/16th inch in height except in the case of liquor pre-packed in bottles less than the normal half bottle size when the declaration may be printed in block type not less than 1/12th inch in height.

PAGE

146-

159

For the purposes of this paragraph—

- (a) " appropriate designation " means a name or description, being a specific and not a generic name or description, which shall indicate to a prospective purchaser the true nature of the product to which it is applied.

In particular—

- (i) such appropriate designation shall include or be accompanied in the said statement by the name of the country or countries of origin of the liquor ;
 - (ii) geographical names which are not names for distinctive types of intoxicating liquor shall not be applied to liquor produced in any locality other than the particular locality indicated by the name ; and
 - (iii) where any liquor is described in terms which might infer or suggest that it is a distinctive type of intoxicating liquor which has originated in a particular country or locality and the liquor is not the produce of that country or locality, the name or description shall be immediately preceded by an adjective indicating the true country or locality of origin printed in such a manner as to be substantially as conspicuous as such name or description.
- (b) " fruit " includes rhubarb.
- (c) intoxicating liquor shall be deemed not to be derived from any fruit which is present therein only in insignificant quantities.
- (5) The preceding paragraphs of this Article shall not apply—
- (a) to any food (other than a liquid food) packed in advance by a retailer in a wrapper or container on the premises where it is sold by him, provided that the exemption contained in this sub-paragraph shall not apply if the wrapper or the container or any label given with the food bears any words referring in any way to the food other than such as are necessary to identify the food or to indicate the quantity or price thereof ;
 - (b) to any assortment of foods packed for sale as a meal and ready for consumption without cooking, heating or other preparation.
- (6) Paragraph (2) of this Article shall not apply to any liquid food packed in advance by a retailer in a wrapper or container on the premises where it is sold by him.

(7) Where any food is pre-packed in a wrapper or container containing less than one-half of an ounce or less than one-half of a fluid ounce, as the case may be, and owing to insufficient space on the wrapper or container it is not reasonably practicable for all the particulars specified in paragraphs (2) and (3) of this Article to appear on the label, it shall only be necessary to specify such of those particulars as it is reasonably practicable to specify, and the particulars required by paragraph (3) shall be specified first

Article 3. Requirements as to sales of pre-packed food otherwise than by retail.—(1) Every seller who delivers any pre-packed food pursuant to a sale otherwise than by retail shall either—

- (a) deliver the food labelled in the manner prescribed by Article 2 of this Order in relation to a retail sale of such food ; or
- (b) deliver the food unlabelled and furnish to the purchaser not later than 14 days after the delivery an invoice or other document containing a statement of such particulars as may be necessary to enable a retail trader to comply with the provisions of paragraphs (3) and (4) of Article 2 of this Order.

For the purposes of this paragraph pre-packed food shall be regarded as unlabelled only if no words or marking referring in any way to the food appear on the wrapper or container or on any label printed thereon or attached thereto, save that the food shall not be regarded as labelled merely by reason that the wrapper or container has been marked at the time of packing with such words or other marking as are reasonably necessary to identify the goods.

(2) The preceding paragraph of this Article shall not apply in the case of any food specified in paragraph (5) (b) of Article 2 of this Order or in Table B in the First Schedule to this Order.

Article 4. Special requirements as to the labelling of certain liquors.—No person shall sell or have in his possession for sale any liquor described in a label attached to or printed on the wrapper or container—

- (a) in the case of intoxicating liquor, by any name or words calculated to indicate either directly or by ambiguity, omission or inference, that the liquor is, or resembles, wine obtained by the fermentation in the district of its origin of the juice of freshly gathered grapes, or is a substitute for or has the flavour of such wine, unless it is derived from fruit, and, in so far as it is derived from fruit, is derived exclusively from grapes ;
- (b) in the case of intoxicating liquor which is not derived from fruit or which is wholly or partly derived from fruit other than grapes, by the use of the word “ wine ”, unless that word is immediately preceded in identical lettering by a word or words accurately specifying the description of fruit or fruit product or other saccharine material used :

Provided that nothing in this sub-paragraph shall prevent the use of the description “ Ginger Wine ” or “ Orange Wine ” for products wholly or partly derived from fruit other than grapes ;

- (c) by any name or words calculated to indicate either directly or by ambiguity, omission or inference, that the liquor is, or resembles a sweetened liqueur or is a substitute for or has the flavour of a sweetened liqueur unless it is a suitably flavoured compounded spirit which has

PAGE

146-

159

been rendered sweet and viscous only by the addition of sucrose, dextrose or invert sugar and not by the use of any other ingredient ;

- (d) by any words calculated to indicate either directly or by ambiguity, omission or inference, that the liquor is a mixture containing spirits or is a cocktail or resembles or is a substitute for or has the flavour of a cocktail, unless it contains not less than 40 per cent. proof spirit and either the Customs duty or Excise duty chargeable on spirits has been paid in respect of not less than 50 per cent. of the alcohol content of the liquor—

Provided that nothing in this sub-paragraph shall prevent the use of the description “ Advocaat ” for a product consisting of eggs, sugar, spirits and flavouring and containing not less than 30 per cent. proof spirit, or “ Black Beer and Rum ” for a product consisting of a mixture of black beer and rum and containing not less than 20 per cent. proof spirit ;

Provided also that, so long as no name or description usually associated with a cocktail containing spirits or with a sweetened liqueur is used, nothing shall prevent the use of :—

- (i) the description “ Wine Cocktail ” for a product which is derived from wine obtained by the fermentation in the district of its origin of the juice of freshly gathered grapes and which contains not less than 35 per cent. proof spirit, or
- (ii) the description “ British Wine Cocktail ” or the words “ wine cocktail ” immediately preceded by the name of the fruit or fruits or other saccharine material from which the product is derived, for a product which is made from wine other than that referred to in the preceding subparagraph and which contains not less than 24 per cent. proof spirit, or
- (iii) the description “ Alcoholic Cordial ” for a suitably flavoured compounded spirit which has been rendered sweet and viscous only by the addition of sucrose, dextrose or invert sugar and not by the use of any other ingredient and which contains not less than 10 per cent. proof spirit, or
- (iv) the description “ Alcoholic Cordial ” for a suitably flavoured compounded spirit which has been rendered sweet and viscous only by the addition of sucrose, dextrose or invert sugar and not by the use of any other ingredient and which contains not less than 5 per cent. proof spirit if there appears on each bottle conspicuously and in bold type the following declaration or such other declaration substantially to the like effect as may be allowed by the Minister, namely :—

PAGE
146-
159

" This Alcoholic Cordial is authorised to be sold containing not less than 5 per cent. proof spirit on condition that it is sold only for the purpose of mixing with spirits to be consumed on licensed premises " ;

- (v) the description " Bitters " for any bitters containing not less than 15 per cent. proof spirit ;
- (vi) the description " Non-Alcoholic Fruit (or Vegetable) Juice Cocktail " for a non-alcoholic product consisting of not less than 80 per cent. undiluted fruit or vegetable juice and ready for consumption without dilution ;
- (e) in the case of cider or perry which has been artificially aerated, by any name or words calculated to indicate either directly or by ambiguity, omission or inference, that the liquor resembles or is a substitute for, or has the character of champagne ;
- (f) in the case of spirits the alcohol content of which is less than 65 per cent. proof spirit, by the name brandy, gin, rum or whisky, unless such name is immediately preceded by the word " diluted " or such other qualification as the Minister may approve, printed in such a manner as to be substantially as conspicuous as the name applied—
Provided that this requirement shall not apply to brandy, the alcohol content of which has fallen below 65 per cent. proof spirit only through maturing in cask ;
- (g) by any name or words calculated to indicate either directly or by ambiguity, omission or inference that the liquor has properties which make it beneficial for invalids or has tonic, restorative or medicinal properties, unless
 - (i) the liquor contains a substance or substances other than alcohol added in such quantity as to confer such properties, and
 - (ii) the description is accompanied by a statement of the approximate percentage present of such substance or substances :

Provided that this paragraph shall not apply to a soft drink described in a label by the name " Indian Tonic Water " or " Quinine Tonic Water " which contains not less than $\frac{1}{2}$ grain of quinine (calculated as quinine sulphate B.P.) per pint.

Article 5. Special requirements where presence of vitamins or minerals claimed.—(1) Subject to the provisions of this Article no person shall—

- (a) give with any food sold by him a label, whether attached to or printed on the wrapper or container or not, which makes a general claim that vitamins or minerals are present in the food ;
- (b) have in his possession for sale any pre-packed food which bears such a label as aforesaid ; or

PAGE

146-

159

- (c) publish, or be a party to the publication of, an advertisement of any food which makes any such general claim as aforesaid ;

unless the food contains, in the case of a claim as to vitamins, one or more of the substances specified in the first column of Part I of the Second Schedule to this Order or, in the case of a claim as to minerals, one or more of the substances specified in the first column of Part II of that Schedule, and the label or advertisement, as the case may be, specifies in the manner prescribed in the said Schedule the minimum quantity of every such substance contained in each ounce of the food when the minimum quantity of the food in the container is stated by weight, or in each fluid ounce when the minimum quantity of the food in the container is stated by volume.

- (2) Subject to the provisions of this Article no person shall—

- (a) give with any food sold by him a label, whether attached to or printed on the wrapper or container or not, which claims or in any way suggests that any particular substance or substances specified in the first column of the Second Schedule to this Order is or are present in the food
- (b) have in his possession for sale any pre-packed food, which bears such a label as aforesaid ; or
- (c) publish, or be a party to the publication of, an advertisement of any food which makes any such claim or suggestion as aforesaid ;

unless the label or advertisement, as the case may be, specifies in the manner prescribed in the said Schedule the minimum quantity of every such substance contained in each ounce of food when the minimum quantity of the food in the container is stated by weight, or in each fluid ounce when the minimum quantity of the food in the container is stated by volume ;

Provided that the requirements of this paragraph shall not apply in relation to a substance specified in Part II of the said Schedule if the only claim or suggestion that the substance is present in a food is contained in a statement of the ingredients of that food made on the label thereof in order to comply with the provisions of Articles 2 or 3 of this Order.

- (3) The provisions of this Article shall not apply to—

- (a) fruit and vegetables, including fruit and vegetables which have been preserved by freezing or by gas or cold storage, or by any other method of storage, but excluding fruit or vegetables which have been canned or bottled or preserved otherwise than as aforesaid ;
- (b) liquid cow's milk (not including condensed milk) ;
- (c) shell eggs ;
- (d) fish of any description, including shell fish and processed fish, but not including canned or bottled fish or any manufactured product containing fish ;

PAGE

146-
159

- (e) any food served by a caterer as a meal or part of a meal in the course of his catering business.

(4) Nothing in this Article shall in relation to butter prohibit the giving of a label or the publishing of an advertisement which correctly and truthfully claims that the butter in respect of which the claim is made is a natural source of Vitamin A notwithstanding that the minimum quantity of Vitamin A contained therein is not specified.

(5) In any proceedings for an offence against this Article in relation to the publication of an advertisement, it shall be a defence for the defendant to prove that, being a person whose business it is to publish, or arrange for the publication of, advertisements he received the advertisement for publication in the ordinary course of business.

(6) In any such proceedings as aforesaid against the manufacturers, producers or importers of the advertised food, it shall rest on the defendant to prove that he did not publish and was not a party to the publication of, the advertisement.

(7) In any proceedings for an offence against this Article in respect of a failure to specify the required particulars in an advertisement of any food, it shall be a defence for the defendant to prove that he took all reasonable steps to secure, by the pre-packing of the food, that it would not be sold without a label specifying these particulars.

(8) This Article shall be without prejudice to the requirements of Articles 2 and 3 of this Order.

Article 6. Special requirements as to the labelling of certain foods.—(1) No person shall sell or have in his possession for sale any canned or frozen peas which have been dried, soaked or otherwise processed prior to canning or freezing which are described in a label attached to or printed on the wrapper or container—

- (a) as “ peas ”, unless the word “ peas ” wherever it appears on the label is immediately preceded by the word “ processed ” printed in such a manner as to be substantially as conspicuous as the word “ peas ” ;
- (b) as being “ fresh ”, “ garden ” or “ green ”, or by the use of any word which may indicate either directly or by ambiguity, omission or inference, that the peas are other than peas which have been dried, soaked or otherwise processed prior to canning or freezing.

(2) No person other than a pharmacist or an authorised seller of poisons shall sell or have in his possession for sale any pre-packed concentrated acetic acid or solution of acetic acid, whether coloured or not, containing more than 15 per cent. weight in volume of acetic acid unless—

PAGE

146-

159

- (a) it is described as "Concentrated solution of acetic acid (X) per cent." the description to be completed by inserting at (X) the appropriate figure, and
- (b) there appears on the main label in red type not less than $\frac{1}{8}$ th inch in height upon a light coloured ground the words "Dangerous—not to be used unless diluted".

Article 7. Prohibition where tonic properties are claimed.—No person shall sell or have in his possession for sale any food which is described in a label attached to or printed on the wrapper or container by any name or words calculated to indicate either directly or by ambiguity, omission or inference that the food has tonic properties by reason only that such food contains (a) alcohol, (b) sugars or other carbohydrates, (c) protein or substances prepared from the hydrolysis of protein, or (d) caffeine or other purine derivatives.

Article 8. Defacing of labels.—No person shall remove, add to, alter, deface or render illegible any statement upon a label printed on or attached to a wrapper or container in pursuance of Articles 2, 3, 4, 5, 6 or 7 of this Order :

Provided that it shall be a defence in any proceedings for an infringement of this Article for the defendant to prove either—

- (a) that the food was in his possession at the time of the infringement otherwise than for sale ; or
- (b) that he acted without intent to deceive.

Article 9. Defences.—(1) Where in any prosecution a person is charged with an infringement of Articles 2, 3, 4, 5, 6 or 7 of this Order in respect of the sale or displaying or possession for sale of any pre-packed food and the alleged offence relates to the inaccuracy or omission of any particular required to be shown on a label marked on or attached to a wrapper or container or otherwise given with the food pursuant to any of the said Articles or in a statement furnished by the defendant pursuant to the said Article 3, it shall be a defence for him to prove—

- (a) that he purchased the food in the wrapper or container in which he sold it from a person carrying on business at an address in the United Kingdom, and that the wrapper or container had remained unopened ;
- (b) that such particular was shown on or omitted from (as the case may be) the label when the food was purchased by him or shown on or omitted from (as the case may be) a statement furnished to him in respect of that food pursuant to the said Article 3 : and
- (c) that at the time of the alleged infringement he had no reason to believe that this Order was being infringed :

Provided that a person shall not be entitled to avail himself of the defence provided by this Article unless within fourteen days of the service of the summons he has sent to the prosecutor a copy of the label or statement upon which he intends to rely

PAGE

146-

159

with a notice stating that he intends to rely on it and specifying the name and address of the person from whom he received it and has also sent a like notice of his intention to that person.

(2) The person by whom any such label or statement is alleged to have been given shall be entitled to appear at the hearing and to give evidence.

(3) Where the defendant is a servant of the person who purchased the article with such a label or statement he shall be entitled to rely on the provisions of this Article in the same way as his employer would have been entitled to do if he had been the defendant.

Article 10. Right of defendant to summon person responsible for offence.—(1) A person against whom proceedings are brought in respect of an infringement of this Order shall, upon information duly laid by him and on giving to the prosecution not less than three clear days' notice of his intention, be entitled to have any person to whose act or default he alleges that the contravention of the provisions in question was due brought before the court in the proceedings, and, if, after the contravention has been proved, the original defendant proves that the contravention was due to the act or default of that other person, that other person may be convicted of the offence, and, if the original defendant further proves that he has used all due diligence to secure that the provisions in question were complied with, he shall be acquitted of the offence.

(2) Where a defendant seeks to avail himself of the provisions of the preceding paragraph—

(a) the prosecution, as well as the person whom the defendant charges with the offence, shall have the right to cross-examine him, if he gives evidence, and any witness called by him in support of his pleas, and to call rebutting evidence ;

(b) the court may make such order as it thinks fit for the payment of costs by any party to the proceedings to any other party thereto.

(3) Where it appears to the Minister or other authority entitled to bring proceedings for an infringement of this Order, that an offence has been committed, in respect of which proceedings might be taken for an infringement of this Order against some person and the Minister or other authority is reasonably satisfied that the offence of which complaint is made was due to an act or default of some other person and that the first-mentioned person could establish a defence under paragraph (1) of this Article, he or they may cause proceedings to be taken against that other person without first causing proceedings to be taken against the first-mentioned person.

In any such proceedings the defendant may be charged with and, on proof that the contravention was due to his act or default, be

PAGE

146-

159

convicted of, the offence with which the first-mentioned person might have been charged, and shall be liable on conviction to the like punishment as might have been inflicted on the first-mentioned person if he had been convicted of the offence.

Article 11. Certificate of public analyst.—(1) In any proceedings in respect of an infringement of this Order the production by one of the parties of (i) a document purporting to be a certificate of a public analyst or the Government Chemist or (ii) a document supplied to him by the other party as being a copy of such a certificate shall be sufficient evidence of the facts stated therein, unless in the case mentioned under head (i) above the other party requires that the person making the analysis shall be called as a witness.

(2) In any such proceedings—

- (a) if the prosecution intends to produce a certificate of a public analyst or the Government Chemist, a copy of such certificate shall be served with the summons ; and
- (b) if a defendant intends to produce a certificate of a public analyst or the Government Chemist, or to require that the person making the analysis shall be called as a witness, he shall give to the other party at least three clear days' notice of his intention,

and if any of these requirements is not complied with, the court may if it thinks fit, adjourn the hearing on such terms as it deems proper.

Article 12. Saving for other Orders, Acts, etc.—Nothing in this Order shall relieve any person from complying with the provisions of any other Order or with the provisions of any Act of Parliament, Order in Council, regulation or bye-law for the time being in force, and in particular, where any provisions as to the labelling of food appear in any other Order of the Minister, it shall be necessary to comply with the provisions both of such other Order and of this Order.

Article 13. Saving for Government imports, Forces' food and exports.—This Order, except so far as it relates to advertisements, shall not apply

- (a) to any food imported on Government account which is still contained in the wrapper or container in which it was so imported ;
- (b) to any food packed for consumption by His Majesty's Forces or the Forces of any of His Majesty's Allies or Co-belligerents ;
- (c) to any food intended at the time of sale for export from the United Kingdom or for use as ships' stores.

Article 14. Application to Scotland.—This Order shall in its application to Scotland have effect subject to the following modifications :—

PAGE

146-

159

- (a) for any reference to a summons and a defendant there shall be respectively substituted references to a complaint and a person accused ;
- (b) " public analyst " has the same meaning as in the Food and Drugs (Adulteration) Act, 1928 ;
- (c) for Article 10, there shall be substituted the following Article :—

" 10. Where an offence has been committed in respect of which proceedings might be taken for an infringement of this Order against some person and the offence was due to an act or default of some other person, then, whether proceedings are or are not taken against the first-mentioned person, that other person may be charged with and convicted of the offence, and shall be liable on conviction to the like punishment as might have been inflicted on the first-mentioned person if he had been convicted of the offence."

- (d) for the references to the Public Health (Preservatives, etc., in Food) Regulations, 1925 to 1948, to the Public Health (Preservatives, etc., in Food) Regulations, 1925, and to paragraph 1 of the Second Schedule to the Public Health (Preservatives, etc., in Food) Regulations, 1925, there shall be respectively substituted references to the Public Health (Preservatives, etc., in Food) Regulations, (Scotland), 1925 to 1940, to the Public Health (Preservatives, etc., in Food) Regulations (Scotland), 1925, and to paragraph 1 of the Second Schedule to the Public Health (Preservatives, etc., in Food) Regulations (Scotland), 1925 ; and for the reference to the Public Health (Condensed Milk) Regulations, 1923 to 1948, there shall be substituted a reference to the Public Health (Condensed Milk) Regulations (Scotland), 1931.

Article 15. Application to Northern Ireland.—(1) This Order shall, in its application to Northern Ireland, have effect subject to the following modifications :—

- (a) the expression " Department of His Majesty's Government " shall include a Department of the Government of Northern Ireland ;
- (b) for any reference to the Government Chemist there shall be substituted a reference to the Government Chemist for Northern Ireland ;
- (c) the expression " public analyst " means a public analyst appointed under the Sale of Food and Drugs Acts (Northern Ireland), 1875 to 1939 ;
- (d) for the references to the Public Health (Preservatives, etc., in Food) Regulations, 1925 to 1948, to the Public Health (Preservatives, etc., in Food) Regulations, 1925, and to paragraph 1 of the Second Schedule to those Regulations, there shall be substituted references to the Public Health (Preservatives, etc., in Food) (Northern

PAGE
146-
159

Ireland) Regulations, 1927 to 1940, to the Public Health (Preservatives, etc., in Food) (Northern Ireland) Regulations, 1927, and to the provisions thereof corresponding to paragraph 1 of the said Second Schedule ;

- (e) for the reference to the Public Health (Condensed Milk) Regulations, 1923 to 1948, there shall be substituted a reference to the Public Health (Condensed Milk) Regulations, 1925 and 1927 (S.R. & O. (N.I.) 1925, No. 169 and and 1927, No. 151).

Article 16. Infringements.—Infringements of this Order are offences against the Defence (Sale of Food) Regulations, 1943.

Article 17. Revocation.—The Labelling of Food Order, 1946, as amended, is hereby revoked but without prejudice to any proceedings in respect of any contravention thereof.

Article 18. Commencement and citation.—This Order shall come into operation on the 1st day of November, 1950, and may be cited as the Labelling of Food Order, 1950.

THE FIRST SCHEDULE

FOODS EXEMPT OR PARTLY EXEMPT FROM ARTICLE 2 OF THE ORDER

The foods specified in the first column of Table A below shall be exempt from such of the provisions of Article 2 of the Order as are specified in the second column of the Table, to the extent shown in the third column of the Table.

TABLE A

Column 1	Column 2	Column 3
Description of Food	Provision of Article 2 from which exempt	Extent of exemption
1. Any food specified in Table B below, when pre-packed for sale as such.	The whole Article	Wholly exempt.
2. Compound Cooking Fat ... Margarine (not including vegetarian butter) ... National flour : Sugar : Yeast :	} Para. (2)	Wholly exempt.

Column 1	Column 2	Column 3
<p>3. Spices—</p> <p>(a) when pre-packed for sale as such, other than spices consisting of a single ingredient ;</p> <p>(b) when forming an ingredient of some other food ;</p> <p>Any deodorised fatty oil, whether hydrogenated or not, when forming an ingredient of some other food ...</p> <p>Colourings, when forming an ingredient of some other food.</p> <p>Vine fruits (muscatels, raisins, sultanas and currants) when forming an ingredient of some other food other than a beverage.</p> <p>Nuts when forming an ingredient of some other food.</p> <p>Synthetic cream when forming an ingredient of some other food.</p> <p>Herbs, when forming an ingredient of some other food but not exceeding one per cent. by weight of such food.</p> <p>Fish when forming an ingredient of fish products.</p>	<p>Para. (3)</p>	<p>Exempt to the extent that they may be designated as spices, edible oil or edible fat, colourings, vine fruits, nuts, synthetic cream, herbs or fish (as the case may be) without further specification as to their common or usual name or as to composition.</p>
<p>4. Colourings, when pre-packed for sale as such</p>	<p>Para. (3)</p>	<p>Exempt to the extent that the colouring ingredients may be designated without further specification</p> <p>(a) unless of synthetic origin, as "colour", or</p> <p>(b) if of synthetic origin, as "synthetic colour" or "artificial colour".</p>
<p>5. Flavourings, as defined at the foot of this Table—</p> <p>(a) when pre-packed for sale as such, other than flavourings consisting of a single ingredient ;</p>	<p>Para. (3)</p>	<p>Exempt to the extent that the ingredients need not be specified.</p>

PAGE
146-
159

Column 1	Column 2	Column 3
(b) when forming an ingredient of some other food.	Para. (3)	Exempt to the extent that they may be designated either as "flavourings" or as "flavouring essences" or by their common or usual name without further specification as to composition.
6. Speciality flour whether pre-packed for sale as such or forming an ingredient of some other food.	Para. (3)	Exempt to the extent that ingredients or constituents which for the purposes of the Flour Order, 1947, as amended, are authorised ingredients of national flour or "M" flour need not be specified, if they are present only in quantities not greater than those in which they are customarily present in national flour or "M" flour.
7. Preservatives as defined in the Public Health (Preservatives, etc., in Food) Regulations, 1925— (a) pre-packed for sale as such, or (b) forming an ingredient of one of the foods specified in paragraph 1 of the Second Schedule to those Regulations.	Para. (3)	Wholly exempt but the label must comply with the requirements of the Public Health (Preservatives, etc., in Food) Regulations, 1925-1948.
8. Any food specified in Column 1 of Table C below, pre-packed for sale as such, for which requirements as regards composition are laid down in the Order specified in relation thereto in Column 2 of that Table, in so far as such food complies as regards composition with such requirements. Any of the following, when pre-packed for sale as such : Biscuits	(Para. 3)	Exempt to the extent that the ingredients need not be specified. Provided that as regards Christmas Puddings this exemption shall cease on the 31st March, 1951.

PAGE
146-
159

Column 1	Column 2	Column 3
Cheese (including processed cheese, blue vein, soft, curd or cream cheese, and cheese made from milk other than cow's milk). Compound Cooking Fat ... Condensed milk as defined by the Public Health (Condensed Milk) Regulations, 1923 to 1948. Christmas puddings ... Custard powder and Blanc-mange powder ... Ice Cream ... Margarine (not including vegetarian butter). National Flour ... Spa Waters, Seltzer Waters, Potash Water and Lithia Water. Thick Mixed Fruit Sauces Worcester Sauce, and similar sauces.	(Para. 3)	<i>—continued</i>
9. Any of the following, when forming an ingredient of some other food :— Any food specified in entry No. 8 in this column or in Table B below. Breadcrumbs, Ruskcrumbs and Rusk. Intoxicating Liquor ... " M " flour ... Macaroni and similar products. Tomato ketchup, catsup, sauce or relish ... Any preparation which is the subject of a monograph in the 1932 or any later issue of the British Pharmacopoeia, including the Addenda thereto, or in the formulary section of the 1934 or any later issue of the British Pharmaceutical Codex, including supplements thereto.	Proviso (ii) to para. (3)	Exempt to the extent that it may be designated by its appropriate designation without specifying the appropriate designation of its constituents.

*Note:—*For the purposes of entry No. 5 above, the expression "flavouring" means any product which complies with the following conditions :—

- (a) it must have aromatic properties ;
- (b) where it is an ingredient of any food it shall have been added primarily for flavouring purposes and where it is packed for sale as such it shall be intended for use primarily for such purposes ; and

PAGE
146-
159

- (c) it shall consist of an essential oil, natural gum, gum resin, oleo-resin, a chemical having flavouring property, or any vegetable extractive, or a mixture of any of these, and it may also contain one or more of the following (but no other) ingredients :—
 - (i) fruit juices ;
 - (ii) such other substances as are reasonably necessary to produce a solid, a solution or an emulsion from the aforementioned ingredients ;

but the expression shall be deemed not to include any preparation of yeast, coffee or chicory, any soft drink, or any substance prepared by the hydrolysis of protein-containing materials.

TABLE B

(Foods wholly exempt from Article 2 when pre-packed for sale as such and partly exempt when forming an ingredient of some other food.)

- Beer brewed in the United Kingdom.
- Bread (not including breadcrumbs).
- Butter and milk blended butter.
- Flour confectionery.

Fresh fruit and vegetables (other than potatoes) not including fruit or vegetables which are bottled, frozen, dried or otherwise processed but so that for this purpose cleaning or removal of extraneous or inedible matter shall not be regarded as processing.

- Liquid cow's milk (other than condensed milk).
- Meat pies.
- Single toffee apples.
- Sugar confectionery, chocolate and chocolate confectionery.
- Whole cooked beetroots.

TABLE C

Foods of which the ingredients need not be specified in accordance with paragraph (3) of Article 2 of this Order in so far as they are pre-packed for sale as such but are governed as regards composition by the Order specified in Column 2 and must comply therewith as regards composition.

Column 1	Column 2
Any food for which a standard is prescribed by an Order under Regulation 2 of the Defence (Sale of Food) Regulations, 1943, other than Tomato ketchup, catsup, sauce or relish.	The Order prescribing the standard.
Canned fruit and canned vegetables if specified in Parts I or II of the Schedule to the Order in Column 2.	The Home-Canned Fruit and Vegetables Order, 1950.
Meat or fish paste (canned or otherwise)	The Meat Products and Canned Meat (Control and Maximum Prices) Order, 1948, as amended.
Beef sausages, pork sausages, slicing sausage, beef sausage meat and pork sausage meat (other than canned)	

PAGE
146-
159

Column 1	Column 2
Soft drinks	The Soft Drinks Order, 1947, as amended.
Standard saccharin tablets ...	} The Saccharin Order, 1949.
Sweetening tablets	

THE SECOND SCHEDULE

PART I
VITAMINS

Column 1	Column 2
Substance	To be calculated as :
<i>Group 1</i>	
Vitamin A	International units of vitamin A.
<i>Group 2</i>	
Carotene	International units of vitamin A, on the basis that 0.6 micrograms of betacarotene is equivalent to one international unit of vitamin A.
<i>Group 3</i>	
Vitamin B ₁	Milligrams of aneurin hydrochloride.
Aneurin	
Aneurin hydrochloride	
Thiamin	
Thiamin hydrochloride	
<i>Group 4</i>	
Vitamin B ₂	Milligrams of riboflavin.
Riboflavin	
<i>Group 5</i>	
Nicotinic acid, nicotinic acid amide and their active derivatives	Milligrams of nicotinic acid or the chemically equivalent quantity of nicotinic acid in milligrams.
Niacin	
Niacinamide	
Nicotinamide	
<i>Group 6</i>	
Vitamin C	Milligrams of ascorbic acid.
Ascorbic acid	
<i>Group 7</i>	
Vitamin D	International units of vitamin D.
<i>Group 8</i>	
Vitamin D ₂	International units of vitamin D.
Calciferol	
<i>Group 9</i>	
Vitamin D ₃	International units of vitamin D.

The quantity of any substance specified in the first column of the above Table must be calculated in the manner prescribed in relation thereto in the second column, but it shall not be necessary to specify this quantity in terms of the substance named in the second column.

PAGE
146-
159

It shall be sufficient if such quantity is specified together with a reference to any of the substances in the same group as named in the first column, as if all the names in the group were synonymous. Carotene may be referred to either as Carotene or as vitamin A ; vitamin D₂, Calciferol and vitamin D₃ may be referred to as such or as vitamin D.

PART II
MINERALS

Column 1	Column 2
Substance	To be calculated and specified as :
Calcium	Milligrams of calcium.
Iodine	Micrograms of iodine.
Iron	Milligrams of iron.
Phosphorus	Milligrams of phosphorus.

- 159 Regulations as to food.**—The power to make regulations as to the importation, preparation, storage, sale, delivery, etc. of food, is now exercised jointly by the Minister of Health and the Minister of Food—1948 Order, art. 2 (a).
- 161 Line 2—Milk and Dairies Order, 1926.**—Revoked and replaced by the Milk and Dairies Regulations, 1949 ; S.I. 1949, No. 1588.
- Line 4—Milk (Special Designations) Regulations, 1936 to 1946.**—Revoked and replaced by the Milk (Special Designation) Regulations, 1949 ; S.I. 1949, Nos. 1589 and 1590.
- Line 6.**—The power to make regulations under section 30 of the Act of 1938, is now exercised jointly by the Minister of Health and the Minister of Food—1948 Order, art 2 (a).
- Line 10.**—The power to make regulations relative to milk and dairies is contained in section 1 of the Act of 1950, and is now exercised jointly by the Minister of Health, Minister of Food and the Minister of Agriculture—section 4 (1), Act of 1950.
- Milk.**—Special retail prices or premiums are paid for milk produced by animals of the Channel Islands or South Devon breeds, provided—

PAGE

161

- (a) the milk is produced by animals of the Channel Islands or South Devon breeds only ;
- (b) the milk, on analysis, shows a minimum butter fat content of not less than 4 per cent. ; and
- (c) the producer of the milk sells by retail or receives a premium paid through the medium of a premium contract issued by the Milk Marketing Board.

It is doubtful whether proceedings could be taken under section 3 of the Act of 1938 for selling Channel Islands milk or South Devon milk with a fat content of less than 4 per cent. but not less than 3 per cent. In such cases, proceedings would normally be instituted by the Minister of Food under the Milk (Control and Maximum Prices) (Great Britain) Order, 1947. For the guidance of food and drugs authorities, it has been suggested that where samples of Channel Islands or South Devon milk are found to contain less than 4 per cent. but not less than 3 per cent. of butter fat, full particulars should be sent to the Ministry of Food, Milk Division, Thames Ditton, Surrey, who will consider what action should be taken. Where Channel Islands or South Devon milk is found to contain less than 3 per cent. of butter fat, particulars of any action taken by the food and drugs authority should be sent to the Ministry at the above address—see Ministry of Food Circular M.F. 8/48 ; and Milk (Control and Maximum Prices) (Great Britain) Order, 1947—S.R. & O. 1947, No. 2032—as amended (S.I. 1948, No. 2198 ; 1950, Nos. 848, 1433, 1693 and 1800 ; and 1951, No. 138).

- 162 **Line 11.**—The power to make regulations under section 8 of the Act of 1938, is now exercised jointly by the Minister of Health and the Minister of Food—1948 Order, art. 2 (a).
- 165 **Footnote (t).**—S.R. & O. 1944, No. 842, has been amended by S.R. & O. 1946, No. 1221 ; S.I. 1949, No. 1893 ; and S.I. 1950, Nos. 1056 and 1871.
- 166 **Line 1.**—For paragraph 2 the following paragraphs have been substituted by the Food Standards (Preserves) (Amendment) Order, 1949 (S.I. 1949, No. 1893)—

“ 2. The standard for fruit curd (including fruit flavour curd) shall be as follows, that is to say—

- (i) Each 100 parts of fruit curd shall contain not less than—
 - (a) 4 parts of fat,

PAGE
166

- (b) 0.33 part of citric acid,
- (c) 0.125 part of oil of lemon (or 0.25 of oil of orange)
- (d) 1 part of dried whole egg
 or 1½ parts of sugar dried whole egg
 or 3¼ parts of liquid or frozen whole egg
 or 4½ parts of shell egg ;
- (ii) The percentage of soluble solids contained in fruit curd shall be not less than 65 per cent.

2A. The standard for mincemeat shall be as follows, that is to say—

- (i) Each 100 parts of mincemeat shall contain—
 - (a) not more than 0.5 part of acetic acid (80 per cent. or glacial),
 - (b) not less than 30 parts of added sugar,
 - (c) not less than 30 parts of dried fruit and peel,
 - (d) not less than 2.5 parts of suet or equivalent fat ;
- (ii) The percentage of soluble solids contained in mincemeat shall be not less than 65 per cent."

167 **Minimum Fruit Content.**—Part II of the Food Standards (Preserves) Order, 1944, has been amended by the Food Standards (Preserves) (Amendment) Order, 1950 (S.I. 1950, No. 1056), which substitutes the following as the table of minimum fruit content :—

PART II
MINIMUM FRUIT CONTENT

Column 1	Column 2
Description of Jam or Marmalade (Fresh Fruit Standard or Full Fruit Standard)	Percentage of Fruit or Vegetables
A.—JAM	
Apple and Blackberry	40 (30/10)
Apple and Blackcurrant	40 (30/10)
Apple and Damson	40 (30/10)
Apple and Plum	40 (30/10)
Apple and Raspberry and/or Loganberry ...	40 (30/10)
Apple and Strawberry	40 (30/10)
Apple Jelly	40
Apricot	40
Apricot and Peach	40 (20/20)
Bilberry	40
Blackberry (or Bramble) and Blackberry (or Bramble) Seedless or Jelly	38
Blackcurrant and Blackcurrant Jelly ...	22
Cherry	40

Column 1	Column 2
Description of Jam or Marmalade (Fresh Fruit Standard or Full Fruit Standard)	Percentage of Fruit or Vegetables
Damson and Damson Jelly	38
Elderberry Jelly and Elderberry Seedless ...	40
Gooseberry	30
Greengage	38
Loganberry	25
Peach and Mixtures of Peach with Citrus Fruit	40
Pineapple	40
Plum and Plum Jelly	40
Plum and Blackcurrant	40 (30/10)
Plum and Raspberry	40 (30/10)
Plum and Strawberry	40 (30/10)
Quince Jelly	40
Raspberry and Raspberry Seedless or Jelly ...	25
Raspberry and Gooseberry	30 (15/15)
Raspberry and Loganberry	25 (15/10)
Raspberry and Redcurrant	30 (15/15)
Redcurrant Jelly	35
Rhubarb	40
Rhubarb and Blackberry	40 (30/10)
Rhubarb and Raspberry	40 (30/10)
Strawberry	37 $\frac{1}{2}$
Strawberry and Gooseberry	35 (17 $\frac{1}{2}$ /17 $\frac{1}{2}$)
All other Jams	40
B.—MARMALADE†	20

Note.—Where figures in brackets are specified in the second column above in respect of a description of jam containing more than one variety of fruit or vegetables the first figure denotes the content of the variety of fruit or vegetables first mentioned in such description, and the second figure denotes the total content of the other varieties of fruit or vegetables mentioned in such description.

† For special standard marmalade see paragraph 5 of Part I of this Schedule.

The Food Standards (Preserves) (Amendment) Order, 1950, which raised the minimum fruit content of certain kinds of jam, as shown in the table above, came into effect as regards sales by the manufacturer of the article on 25th September, 1950—art. 3 (1) (a) ; with respect to sales by wholesale, on 25th January, 1951, and in respect of sales by retail, on 25th May, 1951—see Food Standards (Preserves) (Amendment) (Commencement) Order, 1950 ; S.I. 1950, No. 1871.

169 After line 29 add the following :—

(8) *Fluorine in Food Order, 1947* (S.R. & O. 1947,

PAGE

169 No. 1134), prescribes the maximum limits for the fluorine content of—

- (a) calcium acid phosphate, sodium acid pyrophosphate or other acidic phosphates intended for use in the composition or preparation of food ; and
- (b) foods containing acidic phosphates.

The provisions of the Order are summarised below—

No person shall manufacture for sale or sell any article of food specified in column 1 of the Schedule below which contains fluorine in a proportion by weight exceeding that specified in relation thereto in column 2, provided that this provision applies in relation to calcium acid phosphate, sodium acid pyrophosphate and any other acidic phosphate only where the seller has reason to believe that it is intended for use in the composition or preparation of food (art. 2).

SCHEDULE

Column 1	Column 2
Article of food	Fluorine content
1. Calcium acid phosphate, sodium acid pyrophosphate or any other acidic phosphate.	300 parts per million.
2. Any article of food (not included in items 3 and 4 below) containing calcium acid phosphate, sodium acid pyrophosphate or any other acidic phosphate and intended for use in the composition or preparation of food.	300 parts per million of the calcium acid phosphate, sodium acid pyrophosphate, or other acidic phosphate present.
3. Baking powder, including golden raising powder.	(a) 100 parts per million of the article of food where such article yields less than 15 per cent. of available carbon dioxide ; (b) 133 parts per million parts of the article of food where such article yields not less than 15 per cent. of available carbon dioxide.

Column 1	Column 2
Article of food	Fluorine content
4. Self-raising flour or any similar mixture (not included in item 3 above) containing a farinaceous substance and an acidic phosphate.	8 parts per million of the article of food.

Unless it is proved to the contrary, it is presumed that any person selling an article which is normally sold for use in the composition or preparation of food, intends it for use in such composition or preparation (art. 3).

A person charged with an offence against the Order may bring some other person before the court whom he alleges is responsible for the offence (art. 5).

A warranty defence may also be pleaded (art. 6).

The Order is enforceable by food and drugs authorities (see p. 19 in the Main Work) and the consent of the Minister of Food is not required for the institution of proceedings (art. 9).

(9) *Mineral Oil in Food Order*, 1949 (S.I. 1949, No. 614), prohibits the use of mineral oil in the composition or preparation of any article of food intended for sale or sold for human consumption. It also prohibits the sale or possession for sale for human consumption of any article of food containing mineral oil. These prohibitions do not apply where the mineral oil contained in any food does not exceed 0.2 per cent. by weight of the article of food and its presence is due, not to inclusion as an ingredient, but to its use as a lubricant or greasing agent on a surface with which the food necessarily comes into contact during preparation (art. 2).

"*Mineral Oil*" means any hydrocarbon product, whether liquid, semi-liquid or solid, derived from any substance of mineral origin, and includes liquid paraffins, white oils, petroleum jellies, and hard paraffins (art. 1).

Unless it is proved to the contrary, it is presumed that any person selling an article which is normally used for

PAGE

169 human consumption, intends it to be sold for human consumption (art. 3).

A person charged with an offence against the Order may bring some other person before the court whom he alleges is responsible for the offence (art. 5).

A warranty defence may also be pleaded (art. 6).

The Order is enforceable by food and drugs authorities (see p. 19 in the Main Work) and the consent of the Minister of Food is not necessary for the institution of proceedings (art. 9).

The Mineral Oil in Food (Amendment) Order, 1950 (S.I. 1950, No. 1239), amends the Order of 1949 (S.I. 1949, No. 614), to the extent that nothing in paragraph (1) of Article 2 of the Order of 1949, applies :—

- (a) in relation to any dried fruit containing not more than 1 part by weight of mineral oil per 100 parts by weight of dried fruit ;
- (b) where mineral oil contained in any article of food—
 - (i) is due to the use in the composition of the article of food of dried fruit containing mineral oil, and the article of food contains by reason thereof not more than 1 part by weight of mineral oil per 100 parts by weight of the dried fruit content of the article ;
 - (ii) is due not to its inclusion as an ingredient in the article of food but to its use as a lubricant or greasing agent on some surface with which the article of food has necessarily to come into contact in the course of its preparation, and the article of food contains by reason thereof not more than 0.2 parts by weight of mineral oil per 100 parts by weight of the article of food."

It was explained in Ministry of Food Circular M.F. 13/50 (31st July, 1950), that this amendment is necessary because large stocks of dried fruit, intended for distribution before Christmas, have been treated with mineral oil in the countries of origin as a deterrent to infestation, to prevent crystallization and to facilitate separation of the berries in manufacturing processes. The results of samples submitted for analysis show the presence of mineral oil in amounts ranging from 0.21 per cent. to 0.49 per cent., and it is regarded as unlikely that the figure would exceed 1 per cent. Exporting countries have been requested to stop the use of mineral oil for the treatment of dried fruit for consignment to the United Kingdom but some time must elapse

PAGE

169 before the instruction is fully effective. The Ministry have considered treating the existing stocks with solvents to eliminate the oil, but this would be impracticable on the scale required.

(10) *Food Standards (Table Jellies) Order, 1949 (S.I. 1949, No. 1656)*, prescribes the standards for table jelly tablets, table jelly crystals and table jelly compounds. The Order is enforceable by food and drugs authorities (see p. 19 in the Main Work) and the consent of the Minister of Food is not necessary for the institution of proceedings (art. 3). The standards are laid down in the Schedule to the Order, *infra*.

1. The standard for table jelly tablets shall be as follows :—

- (a) Table jelly tablets shall consist of sugar, gelatine or other jelly-forming material (other than farinaceous products) with other ingredients (not being farinaceous products) in tablet form. When made up with water, the tablet shall produce a jelly table sweet complying with the setting test specified in paragraph 5 of this Schedule
- (b) The percentage of soluble solids contained in the tablets shall be not less than 72 per cent. by weight.
- (c) The percentage of sugar contained in the tablets (all sugar contained in or added to the product being taken into account in whatsoever form the same may have been introduced) shall be not less than 63 per cent.

2. The standard for table jelly crystals shall be as follows :—

- (a) Table jelly crystals shall consist of sugar and gelatine or other jelly-forming material (other than farinaceous products) with other ingredients (not being farinaceous products) in crystal form. When made up with water, the crystals shall produce a jelly table sweet complying with the setting test specified in paragraph 5 of this Schedule.
- (b) The percentage of sugar contained in the crystals (all sugar contained in or added to the product being taken into account in whatsoever form the same may have been introduced) shall be not less than 84 per cent.

3. The standard for table jelly compounds shall be as follows :—

- (a) Table jelly compounds shall consist of sugar and gelatine or other jelly-forming material with other ingredients to form a product which, when made up with milk, produces a jelly table sweet complying with the setting test specified in paragraph 5 of this Schedule.
- (b) The percentage of sugar contained therein (all sugar contained in or added to the product being taken into account in whatsoever form the same may have been introduced) shall be not less than 50 per cent.
- (c) The percentage of starch if any contained therein shall not exceed 20 per cent. by weight.

PAGE

169

4.—(1) "Percentage of soluble solids" means the percentage by weight of soluble solids ascertained at 20° C. by means of a refractometer on the sucrose scale, no correction being made for insoluble solids.

(2) The percentage of sugar shall be determined by adding the percentage by weight of sucrose to the percentage by weight of the total reducing sugars expressed in terms of dextrose.

5. The setting test referred to in paragraphs 1 to 3 of this Schedule shall be as follows :—

If the product is sold in a container with a content intended to produce one pint of a jelly table sweet, that content, or in any other case 3.75 oz. of the product shall be made into a jelly table sweet—

(a) in the case of table jelly tablets or table jelly crystals by the addition of water at 88° C. approximately ;

(b) in the case of table jelly compounds by the addition of milk at 88° C. approximately ;

the total volume to amount in each case to one pint.

85 mls. of the solution shall be immediately introduced into each of six beakers of approximately 5 cm. internal diameter and the beakers cooled for 18 hours in a water bath maintained at 16° C. \pm 1° C. At the end of this period the contents of the beakers shall be turned out on a plate or dish by the following method. Each beaker shall be immersed in a water bath at approximately 50° C. for 8 seconds. Upon removal each beaker shall be immediately dried and the contents transferred to a plate or dish by inversion of the beaker. If not less than four out of the six jelly table sweets shall retain for 30 minutes the general shape of the beaker and shall not at the end of such period have collapsed or split so as to alter their shape, then the setting test shall be deemed to have been satisfied.

(11) *Food Standards (Curry Powder) Order, 1949 (S.I. 1949, No. 1816).*—This Order prescribes that curry powder must contain not less than 85 per cent. spices, aromatic seeds and aromatic herbs, and must not contain lead in excess of 10 parts of lead per million parts of curry powder—art. 2.

The Order is enforceable by food and drugs authorities (see p. 19 in the Main Work) and the consent of the Minister of Food is not required for the institution of proceedings—art. 3. The Order came fully into operation on 1st October, 1950—art. 4.

(12) *Food Standards (Tomato Ketchup) Order, 1949 (S.I. 1949, No. 1817).*—This Order prescribes the standard for tomato ketchup, catsup, sauce and relish, as follows—

1. The standard for tomato ketchup, catsup, sauce and relish shall be as follows :—

- (a) Tomato ketchup, catsup, sauce and relish shall contain not less than six per cent. by weight of tomato solids derived from clean and wholesome tomatoes or from tomato puree, or its equivalent, made from clean and wholesome tomatoes.
- (b) The tomatoes, tomato puree or its equivalent or the tomato ketchup, catsup, sauce or relish shall be so strained, with or without heating, as to exclude seeds or other coarse or hard substances.
- (c) Tomato ketchup, catsup, sauce and relish shall contain no fruit or vegetables other than tomatoes except onions, garlic and spices added for flavouring purposes.

2. No tomato ketchup, catsup, sauce or relish shall contain copper in excess of 50 parts of copper per million parts of the dried total solids.

The Order is enforceable by food and drugs authorities (see p. 19 in the Main Work) and the consent of the Minister of Food is not required for the institution of proceedings—art. 3. The Order came fully into operation on 1st October, 1950—art. 4.

(13) *Food Standards (Fish Cakes) Order, 1950 (S.I. 1950, No. 589)*, prescribes that fish cakes shall contain not less than 35 per cent. by weight of fish—art. 2. The Order is enforced by food and drugs authorities and proceedings may be instituted without the consent of the Minister of Food—art. 3.

(14) *Food Standards (Ice-cream) Order, 1951 (S.I. 1951, No. 13)*, prescribes the following standard for ice-cream—

1. The standard for ice-cream shall be as follows :—

Ice-cream shall contain not less than 5 per cent. fat, 10 per cent. sugar and $7\frac{1}{2}$ per cent. milk solids other than fat :

Provided that—

- (i) ice-cream containing any fruit, fruit pulp or fruit puree shall either conform to the standard set forth above or, alternatively, the total content of fat, sugar and milk solids other than fat shall be not less than 25 per cent. of the ice-cream including the fruit, fruit pulp or fruit puree, as the case may be, and such total content of fat, sugar and milk solids other than fat shall include not less than $7\frac{1}{2}$ per cent. fat, 10 per cent. sugar and 2 per cent. milk solids other than fat ;
- (ii) " Parev " (kosher) ice sold, offered or exposed for sale under that description shall contain not less than 10 per cent. fat and not less than 14 per cent. sugar, and the standard for ice-cream set forth above shall not apply to this product.

PAGE

169

2. For the purpose of the standards prescribed above "sugar" means sucrose, invert sugar or the solids of any sweetening material derived from starch so however that no ice-cream shall contain less than $7\frac{1}{2}$ per cent. sucrose.

3. Each reference in this Schedule to any proportion or percentage means that proportion or percentage by weight.

The Order is enforced by food and drugs authorities and proceedings may be instituted without the consent of the Minister of Food—art. 3. The Order came into operation on 1st March, 1951—art. 4.

Food Standards prescribed in Commodity Control Orders.—Standards of compositional quality are prescribed in certain Food Commodity Control Orders, details of which will be found in Appendix G11 of "The Advertising, Labelling and Composition of Food", issued by the Ministry of Food in 1949.

173 Line 9.—Although the analyst's certificate must be accepted, a magistrate is not bound to accept it if it does not show any standard to which a deficiency could be measured. Where an analyst's certificate is to be put in as evidence, the analyst should state enough to enable, not only the court, but also the defendant, to see exactly what is the offence with which the defendant is charged—see *Gammack v. Jackson Wyness, Ltd.*, [1948] 2 All E.R. 1056 ; 2nd Digest Supp.

174 Line 26. Add after (q).—The licensee of a public house was prosecuted for selling gin containing excess of water. The actual sale was made by an employee. In accordance with the provisions of section 83 (1) of the Act of 1938, the licensee gave to the prosecutor three clear days notice of his intention to have the employee brought before the Court and laid an information against the employee, which, however, was never served because the police were unable to trace him. The defendant proved that the offence had been committed by his employee and not by him. It was held that the defendant having taken all possible steps to have the employee brought before the Court, he was not guilty of an offence. It was also held that the information which, under section 83 (1) must be laid by the original defendant, must be laid not less than three days before the proceedings are heard—see *Malcolm v. Cheek*, [1948] 1 K.B. 400 ; [1947] 2 All E.R. 881 ; 2nd Digest Supp.

PAGE

174 A manufacturer or wholesale dealer cannot be convicted of an offence in connection with a retail sale where the sale of the food was lawful at the time of sale by the wholesaler but rendered unlawful by new legislation in force at the time of a subsequent sale by retail—*Noss Farm Products, Ltd. v. Lilico*, [1945] 2 All E.R. 609 ; 2nd Digest Supp.

Where the prosecution ask for a Case to be stated against a defendant who has taken advantage of the procedure prescribed by section 83 (1) of the Act of 1938, it is essential that the third party should be joined as a party to the Case if the result of the Case may be a remission to the justices for re-hearing or with a direction to convict, because otherwise the defendant would lose his right to proceed against the third party on the re-hearing —*per* Lord Goddard, C. J., in *Elkington v. Kesley*, [1948] 2 K.B. 256 ; [1948] 1 All E.R. 786 ; 2nd Digest Supp.

Line 32.—A local authority has power to delegate to one of its officers its discretion under subsection (3) of section 83 of the Act of 1938 (see p. 13 in the Main Work), to institute proceedings against a prior vendor, by a resolution passed in accordance with the provisions of section 277, Local Government Act, 1933—see *James v. Stein* (1946), 110 J.P. 279 ; 2nd Digest Supp.

176 Line 10. Add : It has been held that a certificate issued in accordance with the provisions of the Spirits Act, 1880, purporting to state the strength of a consignment of whisky, is a warranty within the meaning of the Act of 1938—see *Follett v. Luke*, [1947] K.B. 289 ; [1947] 1 All E.R. 35 ; 2nd Digest Supp.

177 Line 4.—After “ 1940 ”, add “ and 1948 ”—Public Health (Preservatives, etc. in Food) (Amendment) Regulations, 1948 ; S.I. 1948, No. 1118.

179 Last paragraph.—For “ 1940 ” read “ 1948 ”—Public Health Preservatives, etc. in Food) (Amendment) Regulations, 1948 ; S.I. 1948, No. 1118.

180 After line 12, add : In future, Regulations controlling the use of preservatives in food, will be made jointly by the Minister of Health and the Minister of Food—1948 Order,

PAGE

180 Order, art. 2 (a). Generally, the Minister of Food is responsible for supervising the administration of the Regulations of 1925 to 1948—see Ministry of Health Circular 23/48, and S.I. 1948, No. 1118.

Lines 13 and 22.—For “ 1940 ” read “ 1948 ”—Public Health (Preservative, etc. in Food) (Amendment) Regulations, 1948 ; S.I. 1948, No. 118.

Last paragraph.—Consequent upon the transfer of functions from the Ministry of Health to the Ministry of Food, the responsibility for supervising the administration of the Regulations relating to preservatives has been transferred to the Ministry of Food, and the power of entry and sampling is now exercised by any authorised officer of the Ministry of Food—Ministry of Health Circular 23/48, and S.I. 1948, No. 1118.

188 Maximum permitted quantities of added water and preservative solution. Substitute the following Table:

Description of Fruit Pulp	Maximum permitted quantity of added water per cwt. of fruit	Maximum permitted quantity of preservative solution per cwt. of fruit
(a) <i>Cooked pulps</i>		
Blackcurrant } Redcurrant } Whitecurrant } Gooseberry } Plum } Apple }	1½ gallons	3 pints
(b) <i>Raw pulps</i>		
Strawberry } Raspberry } Loganberry } Blackberry }	1 gallon None None	3 pints 3 pints 3 pints

For the purposes of the above Table “ plum ” includes damson and greengage.

Footnote (k). Substitute : The Fruit Pulp Order, 1945 ; S.R. & O. 1945, No. 911.

PAGE

- 190 Footnote (p).**—For “ sect. 100 ” read “ sect. 24 ”.
- 193 Public Health (Preservatives, etc. in Food) Regulations, 1925 to 1940.**—For “ 1940 ” read “ 1948 ”—Public Health (Preservatives, etc. in Food) (Amendment) Regulations, 1948 ; S.I. 1948, No. 1118.
- Article 8.**—Consequent upon the transfer of functions from the Ministry of Health to the Ministry of Food, the consultation is now with the latter Ministry and not the Ministry of Health—Ministry of Health Circular 23/48 ; and S.I. 1948, No. 1118.
- 194 After Article 10 add :** Consequent upon the transfer of functions from the Ministry of Health to the Ministry of Food, the communication is now to the Ministry of Food and not the Ministry of Health—Ministry of Health Circular 23/48, and S.I. 1948, No. 1118.
- 196 Use of Preservative Agents in the Cleansing of Milk Vessels.**—Article 21 of the Milk and Dairies Order, 1926, has been revoked, together with the Provisional Regulations of 1943, referred to in this paragraph and footnote (m).
- Regulation 26 (6) of the Milk and Dairies Regulations, 1949 (S.I. 1949, No. 1588) permits the use of an oxidising or preservative agent for the cleansing of milk utensils, provided it has been approved jointly by the Minister of Agriculture and Fisheries and the Minister of Food—see *post*, p. 108 in this Supplement.
- 198 Section 73, Food and Drugs Act, 1938.**—The powers of the Minister of Agriculture contained in this section have been transferred to the Minister of Food—1948 Order, art. 6 (3) (a).
- 200 Section 34, Food and Drugs Act, 1938, subsection (6).**—The functions of the Minister of Agriculture under this section have been transferred to the Minister of Food, so that notice of the registration of premises under that section must now be sent to the Ministry of Food—1948 Order, art. 6 (3) (a).
- 201 Section 35, Food and Drugs Act, 1938.**—The functions of the Minister of Agriculture have been transferred to the Minister of Food. Consequently the register of consignments must be open to inspection by an officer of the Ministry of Food—1948 Order, art. 6 (3) (a).

PAGE

202 Section 33, Food and Drugs Act, 1938, subsection (2) (c).—Subsection (2) (c) has been amended by the Emergency Laws (Transitional Provisions) Act, 1946, Sched. II, to read as follows :—

“ (c) margarine when sold by retail, save in a container branded or durably marked as aforesaid, must be delivered to the purchaser in a paper wrapper, with the word “Margarine” printed on the outside of the wrapper, or if more wrappers than one are used, on the outside of the outer wrapper in block letters of a type at least as large as that of any other letters printed on the outside of that wrapper and distinctly legible.”

Subsection (7).—The functions of the Minister of Agriculture regarding the approval of a “fancy or descriptive name”, have been transferred to the Minister of Food—1948 Order, art. 6 (3) (a).

203 Last paragraph.—The reference is now to the Minister of Food instead of the Minister of Agriculture, whose functions have been transferred to the former Minister—1948 Order, art. 6 (3) (a).

206 Labelling and marking of butter.—Nothing in Article 5 (1) of the Labelling of Food Order, 1950, in relation to butter, prohibits the giving of a label or the publishing of an advertisement which correctly and truthfully claims that the butter in respect of which the claim is made is a natural source of vitamin A, notwithstanding that the minimum quantity of vitamin A contained therein is not specified—art. 5 (4), Labelling of Food Order, 1950—S.I. 1950, No. 1061 (*ante*, p. 29).

207 Labelling and marking of milk-blended butter.—The duty of approving of a name for milk-blended butter is now placed upon the Minister of Food and not the Minister of Agriculture—1948 Order, art. 6 (3) (a).

208 After line 23, add :

Synthetic cream.—Synthetic cream is not artificial cream, which is defined in the next paragraph of the Main Work. Cream substitutes—synthetic cream—usually contain vegetable oil, whereas artificial cream is made from milk. Under the Use of Milk (Restriction) Order, 1945 (S.R. & O. 1945, No. 304), “synthetic cream” meant any substance used as a substitute for cream and included the substance

PAGE

208 commonly known as baker's cream filling. This Order permitted the use of skimmed milk powder in the preparation or manufacture of synthetic cream.

As to the use of dried egg in the manufacture of synthetic cream, see p. 211 in the Main Work.

The provisions of the Act of 1950 do not apply to synthetic cream, there being no special provisions relating to the latter product. Where, however, synthetic cream—either alone or associated with another food, e.g., buns—is sold as cream with the intention of conveying the impression that it is pure cream derived from milk, action could be taken under section 3 of the Act of 1938.

Line 33 and footnote (p).—The definition of "Artificial cream" is now contained in section 34 of the Act of 1950.

209 Section 27, Food and Drugs Act, 1938.—This section has been repealed and re-enacted in section 29 of the Act of 1950, which is in precisely similar terms, with the addition of subsection (4) which imposes on every food and drugs authority the duty of enforcing the provisions of the section within their area, a duty previously imposed by section 65 (1) (c) of the Act of 1938 (see page 21 in the Main Work), which was repealed by the Act of 1950.

Section 28, Food and Drugs Act, 1938.—This section has been repealed and re-enacted in section 30 of the Act of 1950, which is in precisely similar terms, with the addition of subsection (6) which imposes on every food and drugs authority the duty of enforcing the provisions of the section within their area, a duty previously imposed by section 65 (1) (c) of the Act of 1938 (see p. 21 in the Main Work), which was repealed by the Act of 1950.

211 Line 2 and footnote (x).—Section 29 of the Act of 1938, has been repealed and re-enacted in section 31 of the Act of 1950.

Line 4 and footnote (z).—The Milk and Dairies Order, 1926, has been revoked and replaced by the Milk and Dairies Regulations, 1949—S.I. 1949, No. 1588.

212 Line 8 and footnote (f). Delete from "Where a person who is registered . . ." to the end of the paragraph and substitute : Upon any change in the occupation of premises registered under section 14 of the Act of 1938, the

PAGE

- 212** incoming occupier must, if he intends to use them for the purpose for which they are registered, forthwith give notice of the change to the local authority, who must thereupon make any necessary alteration in their register—section 14 (6) of the Act of 1938.

Composition.—The Food Standards (Ice-cream) Order, 1951—S.I. 1951, No. 13—see *ante*, p. 49 in this Supplement—came into operation on 1st March, 1951, and prescribed a standard for ice-cream, which must now contain not less than 5 per cent. fat, 10 per cent. sugar and $7\frac{1}{2}$ per cent. milk solids other than fat. Where ice-cream contains any fruit, fruit pulp or fruit puree it must either comply with the above standard or, alternatively, the total content of fat, sugar and milk solids other than fat must be not less than 25 per cent. of the ice-cream including the fruit, fruit pulp or fruit puree, and the total content of fat, sugar and milk solids other than fat must include not less than $7\frac{1}{2}$ per cent. fat, 10 per cent. sugar and 2 per cent. milk solids other than fat. “Parev” (kosher) ice cream sold, etc. under that description must contain not less than 10 per cent. fat and not less than 14 per cent. sugar, in place of the standard for ice-cream detailed above.

Line 22. Add after (g) : The National Association of Retail Ice Cream Manufacturers Inc., U.S.A., state that the establishment of definitions and standards of identity for food is delegated to the Federal Security Administrator, who is not connected with the United States Department of Agriculture. To date, he has not promulgated any such definition for ice cream, ice milk, sherbet, frozen custard, or the water ices. Accordingly, there is no national control of the composition of these products. Each of the forty-eight States, however, has a separate definition of some or all of the frozen desserts. The most common minimum standard is 10 per cent. milk fat. A trifling portion of the States have fat requirements in excess of 12 per cent. and all others have minimum limits fixed between 8 and 12 per cent.

Provisions as to ice-cream likely to cause milk-borne disease.—As to the heat treatment of ice-cream, see *post*, p. 120 in this Supplement.

- 213 Condensed Milk.**—The Public Health (Condensed Milk) (Amendment) Regulations, 1948—S.I. 1948, No. 1122—

PAGE

- 213** amend the Regulations of 1923, by substituting in paragraph (1) of Article 2 thereof, for the definition of "The Minister", the following definition :—

" ' The Minister ' means the Minister of Food."

The Regulations are construed together and may be cited as the Public Health (Condensed Milk) Regulations, 1923 to 1948.

- 215 Footnote (u).**—This footnote should read—" These words may be used instead of the words "*not to be used for babies*".

- 218 Line 4.**—In the case of condensed milk from other countries, the facts must now be reported to the Minister of Food and not the Minister of Health—Ministry of Health Circular 23/48, and S.I. 1948, No. 1122.

Dried Milk.—The Public Health (Dried Milk) (Amendment) Regulations, 1948—S.I. 1948, No. 1123—amend the Regulations of 1923, by substituting in paragraph (1) of Article 2 thereof, for the definition of "The Minister", the following definition—

" ' The Minister ' means the Minister of Food."

The regulations are construed together and may be cited as the Public Health (Dried Milk) Regulations, 1923 to 1948.

- 219 Public Health (Dried Milk) Regulations, 1923 to 1943, Rule 1.**—The reference is now to the Minister of Food and not the Minister of Health—Ministry of Health Circular 23/48 and S.I. 1948, No. 1123.

- 222 Line 36 and footnote (u).**—The reference is now to the Minister of Food and not the Minister of Health—Ministry of Health Circular 23/48, and S.I. 1948, No. 1123.

- 223 Section 30, Food and Drugs Act, 1938.**—The power to make regulations under this section, is now exercised jointly by the Minister of Health and the Minister of Food—1948 Order, art. 2 (a).

- 224 Line 19 and footnote (b).**—Bread is subject to control by S.R. & O. 1947, No. 1867 ; S.I. 1948, Nos. 1750 and 2612 ; and S.I. 1949, Nos. 169, 1778 and 1944.

Line 20.—Flour is subject to control by S.R. & O. 1947, Nos. 548, 1627 and 1868 ; S.I. 1949, Nos. 1742 and 1779 ; and S.I. 1950, No. 1003.

PAGE

- 227 Line 15.**—As to proceedings where the original defendant proves that he was not guilty of the offence and another defendant cannot be traced, see *Malcolm v. Cheek*, [1948] 1 K.B. 400 ; [1947] 2 All E.R. 881 ; 2nd Digest Supp., *ante*, p. 3 in this Supplement.
- 229 Add to the bottom of the page :** In August, 1949, the Ministry of Food drew the attention of local authorities to the necessity for condemnation certificates issued by sanitary officers in respect of canned meat always to state (a) the brand of the product, (b) the country of origin, and (c) the net weight of the contents of the tin or tins condemned. Because of the increase in the supply of privately imported canned meats of similar description to Ministry-purchased items, difficulties are arising because the Ministry may well be meeting claims which, had full information been available, would have been passed by the trader to the private importer. Even when the claim properly falls to the Ministry it is impossible to trace the packer without knowledge of the brand and the Ministry is unable to make the necessary representations to the exporter in the country of origin—Ministry of Food Circular M.F. 10/49.
- 233 After line 22, add :** It has been held that it is no defence to a charge under subsection (1) (b) of section 9 of the Act of 1938, for the chairman of a butchers allocation committee (established in conformity with the Ministry of Food's scheme for the distribution of meat), who consigned unfit meat to a butcher, to prove that the meat had been inspected by an inspector at the time of slaughter—see *Jordan v. White* (1945), 109 J.P. 229 ; 2nd Digest Supp. In a case where a sanitary officer seized a bottle of milk which looked dirty and subsequently instituted proceedings under section 9 (1) of the Act of 1938, it was held that he was acting as a sanitary officer and not a sampling officer, consequently it was not necessary to institute proceedings within 28 days as required by proviso (a) to section 80 (1) of the Act of 1938 (see p. 9 in the Main Work)—*Leach v. United Dairies, Ltd.*, [1949] 1 All E.R. 1023 ; 2nd Digest Supp.
- 236 Line 4 and footnotes (u) and (v).**—The procedure laid down in Ministry of Health Circulars 2468 and 2886 and Part II of Circular 2640, was cancelled in October, 1948, when new instructions were issued by the Ministry of Food

PAGE

236 —see Circular M.F. 3/48 (7th October, 1948). The Ministry's salvage organisation was disbanded with effect from 1st October, 1948, and while it is essential that the public health should be properly safeguarded, it is also essential that no food should be condemned unless there is definite evidence that it is unfit for human consumption. Further, it is important that food found to be unfit for human consumption should not unnecessarily be destroyed, since it is frequently possible to recondition it for animal feeding or to use it for industrial purposes. In certain cases it may be possible to recondition it for human consumption. Food of the types listed in Appendix A below found to be unfit for human food in the quantity stated should not be destroyed but information with regard to it sent to the Assistant Divisional Food Officer (Warehousing) at the Divisional Food Office for the area in which the food is lying. If the Ministry's officers undertake disposal of food so reported, they will also be responsible for ensuring that the food, if unfit for human consumption, is not so used. If in any particular instance they do not undertake disposal, they will so inform the reporting Authority. In the case of the foods specified in Appendix B below, the arrangement whereby the vendor returns any unsound food to the Ministry's agents through trade channels will continue. The vendor will be given a receipt for food so returned and this will, if necessary, provide evidence that it has been disposed of in accordance with these arrangements. No change is made in the existing arrangements whereby meat, etc., in a Ministry-controlled slaughterhouse, if found to be unfit for human consumption, is notified to the slaughterhouse manager for disposal under guarantee that such meat, etc., will not be used for human consumption. If a scheme for the sterilisation of kitchen waste for or on behalf of an authority is in operation, any unsound food not covered by the arrangements described above, but which is considered suitable for animal feeding, should be dealt with under such scheme.

APPENDIX A.

Minimum quantities of food, unfit for human consumption, regarding the disposal of which the Assistant Divisional Food Officer (Warehousing) should be consulted—

Barley meal, clipped barley, flaked barley	288 lb.
†Cereals as defined in the Salvaged Goods Order, 1948.	224 lb.
Cocoa beans, cocoa butter, cocoa powder . . .	1 cwt.

PAGE

236

Eggs—dried	...	...	...	1 case containing 72 by 5 oz. packets or 28 lb.
Eggs—frozen liquid	...	...	...	30 lb.
Eggs—shell	...	...	...	1 case (360 eggs)
†Flour within the meaning of the	...	...	...	Flour
Order, 1947	...	...	...	288 lb.
Fruit—dried	...	...	...	2 cwt.
Glucose	...	...	...	1 cwt.
Meat—canned	...	...	...	6 lb. cans—5 whole cases or 2½ cwt. of loose tins or part cases. Smaller size cans— 10 whole cases or 2½ cwt. of loose tins or part cases.
†*Meat (other than canned) as defined in the	...	...	...
Salvaged Goods Order, 1948	...	...	...	28 lb.
Nut kernels—edible	...	...	...	1 cwt.
Oatmeal, oatflakes and oat flour	...	...	...	228 lb.
Potato mash powder	...	...	...	3 cwt.
†Pulses as defined in the Salvaged Goods	...	...	...
Order, 1948	...	...	...	224 lb.
Rice and rice products (except starch)	...	...	...	5 cwt.
Starch	...	...	...	2 cwt.
Sugar	...	...	...	1 cwt.
Tea	...	...	...	40 lb.

APPENDIX B.

Food which, if unfit for human consumption, will be returned by the vendor direct to Ministry of Food Agents through trade channels :

Butter and Cheese	...	...	...	all amounts
Lard, Margarine and Cooking Fats	...	...	...	all amounts
Bacon and Ham	...	...	...	all amounts

† The definitions are :—

“Cereals” means any threshed wheat, barley, oats, rye, maize, dari and any other threshed grain (other than rice).

“Flour” includes flour containing non-wheaten substances that are authorised by the Minister for the purposes of this Order [The Flour Order, 1947] or of any licence under Article 3 of this Order to be used as ingredients of flour, and also includes semolina and flour that is unfit for human consumption ; but does not include—

- (i) flour derived wholly or mainly from wheat that has, before being milled, been malted or subjected to any process other than cleaning, blending, dressing or conditioning ; or
- (ii) any product manufactured under and in accordance with a licence or authorisation granted by or on behalf of the Minister under the Manufactured and Pre-packed Foods (Control) Order, 1942.

“Meat (other than canned)” means beef, mutton, lamb, pork, veal, whether fresh, chilled or frozen, and the edible offals thereof.

“Pulses” means beans, lentils or peas.

* Meat in slaughterhouses controlled by the Ministry of Food if found to be unfit for human consumption will be dealt with as indicated in paragraph 5.

PAGE

- 236** In order to provide proper channels for the disposal of salvaged goods after the disbanding of the Ministry's salvage organisation, the Salvage of Goods Order, 1948—S.I. 1948, No. 2141—provides for the disposal of salvaged food through salvage dealers, i.e., wholesalers who normally trade in sound foods of the varieties concerned, who hold any necessary licences for that purpose, and who are prepared to handle salvaged foods. Article 5 safeguards the position of local authorities and the consuming public in respect of the Act of 1938 and any other relevant legislation. Food which has been condemned can in no circumstances be released for human consumption. Section 2 of Article 3 refers to restrictions on the sale of certain salvaged foods to buyers other than the Ministry of Food. In the case of butter, dried fruit and edible nut kernels, there is a restriction to the effect that if these foods are damaged but not condemned as unfit for human consumption they may be sold with the consent of the local authority only to specified types of food manufacturers for specified purposes. This is intended to strengthen the safeguard provided in Article 5.
- 238** **Line 11.**—For “1924 and 1935,” read “1924 to 1948”—Public Health (Meat) (Amendment) Regulations, 1948—S.I. 1948, No. 1119.
- 242** **Line 9.**—The Minister of Food announced in the House of Commons on 3rd June, 1949, that he had appointed an Interdepartmental Committee on Meat Inspection to review the present arrangements for the inspection of home-killed meat. The Committee's terms of reference are :—
- (i) To review the memorandum on a system of meat inspection known as Memo. 62/Foods ;
 - (ii) to consider whether Memo. 62/Foods, revised as necessary, should be given statutory authority in new Food Regulations superseding the Public Health (Meat) Regulations, 1924–48 for England and Wales and corresponding legislation for Scotland ;
 - (iii) to consider whether the inspection of home-killed meat at the place of slaughter can be made compulsory in England and Wales as it is already in Scotland, and whether this requires any further statutory authority ;
 - (iv) to consider whether the Public Health (Meat) Regulations, 1924–48, require revision in any other respects.
 - (v) to consider the qualification of those at present engaged in meat inspection and the qualifications which should be required of those so engaged and the facilities for their training ;

PAGE

- 242 (vi) to consider the existing requirements, and methods of operation, as regards imported meat under the Public Health (Imported Food) Regulations, 1937-48

The Committee have not yet issued their Report.

248 **Add at end of Section IV (a) :—**

Cysticercus bovis.—The Ministry of Food notified all local authorities on 8th November, 1948, that cases of *cysticercus bovis* infestation of cattle had been reported from different parts of the country. The distribution of the lesions in carcasses and organs is irregular, but in recently reported cases the most commonly affected sites have been the muscles of mastication, the head, the tongue and the pillars of the diaphragm. In order to detect cysticerci it is essential to make several incisions into the external and internal masseter muscles ; to examine carefully the tongue musculature ; to inspect the heart wall externally and by incision ; to cut into the thick pillars of the diaphragm ; and also to inspect all other surfaces. Local authorities were asked to send information to the Ministry of Food of cases of *c. bovis* found by their officers—see Ministry of Food Circular, M.F. 5/48.

Footnote (t).—For “ Memo. 62a/Foods ”, substitute “ Memo. 62b/Foods ”, issued by the Ministry of Food with Circular M.F. 1/48.

- 249 **Meat Marking.**—The Minister of Food is now authorise to approve any system of meat marking adopted by a local authority—Ministry of Health Circular 23/48.

- 252 **Line 6 and footnote (b).**—The Livestock (Restriction on Slaughtering) (No. 2) Order, 1940, as amended, was revoked, and re-enacted, with consolidations and amendments, in the Livestock (Restriction on Slaughtering) Order, 1947—S.R. & O. 1947, No. 1079. The principal changes in the Order are as follows :—

- (a) The period within which the owner of any livestock which has been slaughtered on account of accidental injury to, or illness of, that livestock is required to notify the District Chairman of Auctioneers at the nearest Collecting Centre is reduced from 48 to 24 hours ;
- (b) As an alternative to notifying the District Chairman of Auctioneers the owner may deliver the carcase within 24 hours of slaughter to the nearest Government Slaughterhouse between specified hours or to such other place as may be designated by a person authorised by the Minister of Food ;

PAGE
252

- (c) The prohibition of the purchase by way of trade except from the Minister or from a person selling on his behalf, of any meat derived from livestock slaughtered in Great Britain is extended to apply to all meat, i.e., including imported meat ; and
- (d) The requirements that meat derived from horses or livestock which is not fit for human consumption shall be stained in the prescribed manner before leaving the place of slaughter or death is extended to make it clear that it applies to meat derived from horses or livestock which have been slaughtered in a knacker's yard and which might be fit for human consumption, though its use for this purpose is prohibited by Section 19 (1) of the Act of 1938.

After line 18, add : The arrangements for meat inspection, outlined on p. 252 of the Main Work, and set out in the Memorandum on the Control of Slaughtering issued by the Ministries of Food and Health in January, 1940, and in Ministry of Health Circular 2218 (3rd December, 1940), and continued in force by Ministry of Food Circular M.F. 3/48 (7th October, 1948), remain in force. The Ministry of Food draw attention to the continued shortage of meat and the importance not only that all meat for human consumption should be properly inspected but also that no meat fit for human food shall be unnecessarily condemned. In cases where any dispute arises as to the fitness of meat which is still Ministry property, local authorities are asked to avail themselves of the services of the Ministry's Area Technical Adviser and to defer other action until that officer has had an opportunity of examining the meat and has expressed his opinion—Ministry of Food Circular M.F. 10/49 (9th August, 1949).

253 Line 7.—It has been held that it is no defence to a charge under subsection (1) (b) of section 9 of the Act of 1938 (see page 232 in the Main Work), for the chairman of a butchers' allocation committee (established in conformity with the Ministry of Food's scheme for the distribution of meat), who consigned unfit meat to a butcher, to prove that the meat had been inspected by an inspector at the time of slaughter—*Jordan v. White* (1945), 109 J.P. 229 ; 2nd Digest Supp.

255 After line 17, add : In November, 1949, the attention of local authorities was drawn by the Ministry of Food to the frequent and sometimes critical reference in the press and elsewhere to the conditions under which meat is transported and handled. In order to help authorities in the discharge of their statutory obligations in relation to these

PAGE

- 255** matters, reference is made to the present arrangements for the transport of meat in relation to their powers under the Act of 1938 and the Public Health (Meat) Regulations, 1924-1948. The transport of meat and edible offal for sale for human consumption, except for the relatively small numbers of pig carcasses sold direct by self-suppliers to pork butchers and the small quantities of meat products imported by private individuals under licence, is under the general direction of the Ministry of Food. The transport of meat by road, which includes all deliveries to retail butchers' shops and to meat manufacturers' premises is undertaken, with few exceptions, by the Meat Transport Organisation, Ltd., under agreement with the Ministry ; the transport of meat by rail which includes the movement of considerable quantities of imported meat from cold stores and ships to wholesale meat depots or markets and of relatively small quantities of home-killed meat from selected slaughterhouses to depots and markets is undertaken by the British Transport Commission. The Meat Transport Organisation, Ltd. engages individual hauliers, many of whom are specialists in meat transport, on long or short term agreements, or occasionally on a casual basis. Such individuals are under agreement to maintain their vehicles and equipment in an efficient condition for the transport of meat, and it is expressly provided that these persons are not civil servants. The Minister of Food is advised that from the stand-point of complying with statutory provisions, the British Transport Commission, is in the same position as a private firm. It follows, therefore, that all persons engaged in the transport and handling of meat must comply with the provisions of Part VI of the Public Health (Meat) Regulations, 1924-1948—Ministry of Food Circular M.F. 20/49.
- 259** **After line 25, add :** It should be noted that it is now necessary for the occupier of a knackers' yard to hold a licence from the Ministry of Food—Knackers' Yard Order, 1948—S.I. 1948, No. 2353, and see Ministry of Food Circular M.F. 6/49.
- 261** **Before last paragraph, add :** It was held that a farm building used for the slaughter of a cow on one occasion for the purpose of sale for human consumption, was not a slaughterhouse within the meaning of section 100 (1) of the Act of 1938—see *Perrins v. Smith*, [1946] K.B. 90 ; [1945] 2 All E.R. 706 ; 2nd Digest Supp.

PAGE

- 266 Line 7. Add :** Similar action may be taken by the Court where a contravention of section 9 of the Act of 1938 (see p. 232 in the Main Work) occurs—section 9 (5) of the Act of 1938.
- 272 Section 60, Food and Drugs Act, 1938, subsection (2) (b).—**The functions of the Minister of Health under subsection (2) (b) have been transferred to the Home Secretary—see Transfer of Functions (Secretary of State and Minister of Health) Order, 1946, S.R. & O. 1946, No. 1757.
- 274 Footnote (w).—**The definition of “ animal ” includes, after the word “ boar ”, the word “ hog ”.
- 281 Footnote (f).—**The reference should be to section 58 of the Act of 1938, and not section 59.
- 282 After line 23, add :** It should be noted that it is now necessary for the occupier of a knackers' yard to hold a licence from the Ministry of Food—Knackers' Yard Order, 1948—S.I. 1948, No. 2353, and see also Ministry of Food Circular M.F. 6/49.
- 284 Line 22.—**The power to make regulations under section 8 of the Act of 1938, is now exercised jointly by the Minister of Health and the Minister of Food—1948 Order, art. 2 (a).
- 290 Emergency Provisions.—**For details of the various emergency provisions relating to fisheries, now see title *Fisheries*, Butterworth's “ *Local Government Law and Administration* ”, Emergency Legislation Volume, Tenth Edition, 1950, p. 120.
- 300 Article 7.—**Notice must also be given to the Minister of Food—Public Health (Shell-fish) (Amendment) Regulations, 1948 ; S.I. 1948, No. 1120.
- 301 Article 10.—**Notice must also be given to the Minister of Food—Public Health (Shell-fish) (Amendment) Regulations, 1948 ; S.I. 1948, No. 1120.
- 313 After second paragraph.—**Reports have been issued by two Working Parties appointed by the Minister of Food, dealing (a) with hygiene in catering establishments, and

PAGE

313 (b) manufactured meat, in both of which recommendations are made with respect to the amendment of the law relating to food preparing rooms—as to the detailed recommendations of these Working Parties, see *post*, p. 202, *et seq.* in this Supplement.

317 After line 11, add :

Building licences.—Divisional Food Officers have been requested to consult the clerk of the appropriate local authority in all cases where an application for a building licence, or a licence for materials for repair to premises or equipment, has been submitted by a food trader on the grounds that the building work or repairs are necessary to enable him to comply with the provisions of section 13 of the Act of 1938 (see p. 468 of the Main Work)—see Ministry of Food Circular M.F. 4/48 (19th October, 1948). It is unlikely that this procedure will now be needed, except on rare occasions, owing to the licensing ceiling for industrial buildings being £500.

Section 15, Food and Drugs Act, 1938, subsection (4).—The Minister of Food is now the confirming authority in respect of byelaws made under this section—1948 Order, art. 6 (1) (e).

Last paragraph and footnote (f).—The Minister of Food is now the confirming authority in respect of byelaws made under section 15 of the Act of 1938—1948 Order, art. 6 (1) (e).

Model Byelaws.—Model Byelaws relating to the “ Handling, Wrapping and Delivery of Food and Sale of Food in the Open Air ”, were made by the Ministry of Food in 1949, and circulated to all local authorities—see Ministry of Food Circular M.F. 18/19 (27th October, 1949). The Model Byelaws were prepared by a Working Party of officers of the Ministry of Food and Ministry of Health, and the attention of local authorities was drawn to the following matters raised during the consultations which took place between the Working Party and representatives of other Government Departments, local authority associations and the food handling trade :—

- (i) The exercise of jurisdiction over the condition in which goods are transported through your area, by undertakings operating as carriers only, is felt to be impracticable. In this connection, the attention of your Authority is drawn to section 12, and to subsection 7 of section 77 of the Food

and Drugs Act, 1938. The interpretation of delivery may, subject to any ruling by the Courts, be considered to relate to that handling, handing over and transport by a seller or his servant which is undertaken in accordance with a contract for sale (express or implied) in order to pass the property in the food in accordance with that contract.

- (ii) In Byelaw 3 it has been deemed desirable not to specify by name or by the use of the word "contagious" or of the word "infectious" the diseases in the case of which care must be taken to avoid transmission through the handling, wrapping or delivery of food.
- (iii) The proviso to Byelaw 4 (b) which exempts, from the requirement to cover meat in transit between premises and a nearby van, is necessitated by the present scarcity of suitable protective material. It is hoped to delete this proviso when supplies of material improve.
- (iv) The present shortage of supplies of wrapping paper has precluded the inclusion of a byelaw imposing any positive requirement as to the wrapping of food on retail sale, but when supplies improve consideration will be given to the question whether such requirement should be made for particular foods. Byelaw 5 (a) imposes the essential requirement that paper used for wrapping should be clean.
- (v) In Byelaw 6 (d), a requirement that employees should wash their hands would be difficult to enforce, and it is felt that the observance of cleanly practices in this matter can best be achieved by education.
- (vi) Provision is made in Byelaw 12 for the repeal of existing byelaws as may be necessary on the adoption of byelaws included in this model.

As will be seen, the model has been designed to apply generally to all branches of the food trade and no attempt has been made to lay down a detailed code of hygienic practice for any particular trade. The present shortage of materials and equipment prevented the inclusion of provisions which would be desirable, but it is intended to review the model when sufficient experience has been gained in the operation of the byelaws based on the model. The Model is prefaced by a short memorandum, which, after giving the provisions of section 15 of the Act of 1938, under which the byelaws may be made, states :

4. The following model is divided into three parts :

Part I : the interpretation section

Part II : those byelaws which apply to persons handling, wrapping, or delivering food intended for sale for human consumption ;

Part III : those byelaws which apply to persons selling or exposing for sale in the open air food intended for human consumption.

PAGE

317

5. Byelaws 2, 3, 4 (except 4 (e)) and 5 apply wherever food is handled, wrapped or delivered, whether in a room or in the open air. Byelaws 4 (e) and 6 apply where food is handled, wrapped or delivered in a room. Byelaws 7, 8, 9 and 10 apply where food is sold or exposed for sale in the open air whether or not such sale or exposure for sale involves handling, wrapping or delivery.

6. The duty of compliance with the provisions of Byelaws 6 and 9 is laid upon persons who are carrying on a trade or business. The duty of compliance in the case of the remaining byelaws is not thus restricted.

7. Cows' milk has been excluded from the definition of " food " in the model because there are regulations which fully deal with it.

8. As regards the deposit and removal of refuse, byelaws 5 (c) and 8 (a) require that it shall not be deposited near food ; 4 (e) that in rooms it shall be placed in a special receptacle ; and 6 (a) that suitable receptacles shall be provided in rooms and shall be emptied periodically. There is no requirement for the provision of refuse receptacles in the open air, since arrangements for the removal of refuse in street markets, etc., are a matter for the local authority.

9. The frequency of emptying refuse receptacles suggested in byelaw 6 (a) (ii) is for adjustment by the local authority according to their arrangements for refuse collection from premises.

The following are the Model Byelaws :—

MODEL BYELAWS

NOTE.—Any Local Authority proposing to make byelaws on this subject should forward drafts in duplicate of the byelaws for preliminary approval.

BYELAWS made under section 15 of the Food and Drugs Act, 1938, by the [Mayor, Alderman and Burgesses of the Borough of
acting by the Council] [Urban/Rural District
Council of
] [Common Council of the City of
London] [London County Council] for securing the observance of sanitary and cleanly conditions and practices in connection with the handling, wrapping and delivery of food sold or intended for sale for human consumption, and in connection with the sale or exposure for sale in the open air of food intended for human consumption.

PART I

INTERPRETATION

1. In these byelaws—

" cleanliness " means cleanliness having regard to the nature and packing of the food and the operation being performed and " clean " shall be construed accordingly ;

PAGE

317

" container " includes any basket, pail, box, tray or other receptacle ;

" contamination " includes contamination by odour, and shall be construed as having regard to the nature of the food and any refining process to which the food is normally subjected before sale to a consumer ;

" food " means any article sold or intended for sale for use as food or drink for human consumption other than cows' milk, drugs or water, and includes—

- (a) any substance which is intended for use in the composition or preparation of food ;
- (b) any flavouring matter or condiment ; and
- (c) any colouring matter intended for use in food ;

" handling " and " wrapping " include the handling and wrapping, respectively, of food in the course of any operation, including manufacture, processing, preparation, storage, delivery, sale and exposure for sale, in which such food is handled or wrapped ;

" milk " includes cream, skimmed milk and separated milk but does not include dried milk or condensed milk ;

" reasonably necessary " shall be construed as having regard to the nature and packing of the food, the operation being performed, and any refining process to which the food is normally subjected before sale to a consumer ;

" returnable fish container " " returnable ice cream can " and " returnable biscuit tin " mean, respectively, a container in which fish is delivered, a can in which ice cream is delivered, and a tin in which biscuits are delivered by a seller to a buyer upon the terms that the container, the can or the tin, as the case may be, is to be or may be returned to such seller ;

" room " includes a shop or cellar or any other part of a building and a shed, store or outbuilding or any part thereof ;

" sale and exposure for sale " includes sale as a meal or part of a meal ;

" sanitary convenience " includes a watercloset, urinal, earth-closet, privy and any similar convenience ;

" stall " includes any stand, mobile canteen, cart, barrow, or any other vehicle whether movable or immovable.

PART II

HANDLING, WRAPPING AND DELIVERY

2. Every person who handles, wraps or delivers any food shall observe cleanliness both in regard to himself and his clothing.

3. No person knowingly suffering from or knowingly being a carrier of any disease shall handle, wrap or deliver any food so as to give rise to any risk of the spread of the disease. A person shall be deemed to have known that he was suffering from or was a carrier of a disease if he could with ordinary care have ascertained the fact.

4. Every person who handles, wraps or delivers, or causes to be handled, wrapped or delivered any food shall—

(a) take all such steps as may be reasonably necessary to protect the food from dust, dirt, mud, filth, dirty water, animals, rodents, flies, insects, and other sources of contamination including contamination by other persons, and in particular shall cause the food to be so placed as to prevent risk of contamination from such sources ;

(b) where it is reasonably necessary during delivery to protect the food from such sources of contamination as are set out in the preceding paragraph, cover and keep covered or cause to be covered and kept covered such food during transit with suitable clean material ;

Provided that this paragraph of this byelaw shall not apply to meat (including bacon and ham) in course of transit to any premises from, or from any premises to, a vehicle standing immediately outside the door of the premises ;

(c) clean or cause to be cleaned as often as may be reasonably necessary to prevent risk of contamination of the food all counters, slabs, fittings, apparatus, stoves and ranges, utensils, crockery and cutlery, and surfaces with which the food is in or is liable to come into contact ;

(d) keep or cause to be kept clean the interior of every vehicle and every container from which the food is delivered ;

(e) where the food is handled, wrapped or delivered in a room, in so far as it is necessary to allow any refuse or filth whether solid or liquid to be deposited or to accumulate in the room for the proper carrying on of the trade or business for which the room is used, place or cause to be placed all such refuse or filth in receptacles kept for the purpose.

5. No person who handles, wraps or delivers, or causes to be handled, wrapped or delivered any food shall—

(a) use or cause to be used for wrapping or containing the food any paper or other wrapping material or container which is not clean or which is liable to contaminate the food ;

(b) return or cause to be returned any returnable fish container, returnable ice-cream can or returnable biscuit tin except in a clean condition ;

(c) deposit or cause to be deposited any refuse or filth whether solid or liquid except at a sufficient distance from any food as to prevent risk of contamination of such food ;

(d) handle or wrap or cause to be handled or wrapped any food unless there is suitable and sufficient lighting, either natural or artificial, to enable him to ensure that these byelaws are complied with ;

(e) carry or cause to be carried in the course of delivery any food in a vehicle or container along with any article liable to contaminate the food, or with any live animal or poultry, without taking all reasonably necessary precautions to prevent contamination.

6. Every person who carries on a trade or business in which food is handled, wrapped or delivered in a room shall—

- (a) in so far as it is necessary to allow refuse or filth whether solid or liquid to be deposited or to accumulate in the room for the proper carrying on of the trade or business for which the room is used—
 - (i) provide and maintain suitable receptacles for such refuse or filth, such receptacles (a) to be constructed of impervious materials or to be replaced as often as may be necessary to prevent the accumulation of obnoxious matter, (b) to be kept reasonably clean, and (c) where reasonably necessary to have close fitting lids ;
 - (ii) cause all such refuse or filth to be permanently removed from the room [at least once a day and] as often as may be necessary to prevent the contamination of food in the room ;
- (b) provide and maintain in every part of the room suitable and sufficient means of lighting, either natural or artificial, to enable these byelaws to be complied with, except where such lighting is provided and maintained by some other person ;
- (c) cause all surfaces with which the food is in or is liable to come into contact, including such surfaces of counters, slabs, fittings, apparatus, stoves and ranges, utensils, crockery and cutlery, and the interior of vehicles and containers from which the food is delivered, to be of such materials and to be kept in such good order, repair and condition as to prevent as far as is reasonably necessary the absorption of any food, material or refuse which may be spilled, splashed or deposited thereon, or brought into contact therewith, and as to make it possible for such surfaces to be thoroughly cleaned ;
- (d) cause to be affixed and maintained in a prominent and suitable position near every sanitary convenience provided by him for the use of employees in that business a clearly legible notice requesting such employees to wash their hands after using the convenience.

PART III

SALE AND EXPOSURE FOR SALE IN THE OPEN AIR

7. Every person who sells or exposes or causes to be exposed for sale in the open air any food shall—

- (a) take all such steps as may be reasonably necessary to protect the food from dust, dirt, mud, filth, dirty water, animals, rodents, flies, insects, and other sources of contamination including contamination by other persons, and in particular shall cause the food to be so placed as to prevent risk of contamination from such sources ;

- (b) clean or cause to be cleaned as often as may be reasonably necessary to prevent risk of contamination of the food all counters, slabs, fittings, apparatus, stoves and ranges, utensils, crockery, and cutlery, and surfaces with which such food is in or is liable to come into contact.
8. No person who sells or exposes or causes to be exposed for sale in the open air any food shall—
- (a) deposit or cause to be deposited any refuse or filth whether solid or liquid except at a sufficient distance from any food as to prevent risk of contamination of such food ;
 - (b) expose or cause to be exposed such food for sale unless there is suitable and sufficient lighting, either natural or artificial, to enable him to ensure that these byelaws are complied with.
9. Every person who carries on any trade or business in which food is exposed for sale from a stall or container in the open air shall—
- (a) cause every part of the stall and its fittings or the container to be kept in such good order and condition as to prevent as far as is reasonably necessary the absorption of any food, material, or refuse which may be spilled, splashed, deposited thereon or brought into contact therewith, and as to make it possible for such stall and its fittings or such container to be thoroughly cleaned ;
 - (b) have his name and address legibly and conspicuously displayed on the stall or container and if he fails to comply with the requirements of this paragraph of this byelaw shall be liable to a fine not exceeding forty shillings.
10. No person shall use any stall or container in the open air for the exposure for sale of food unless the stall or container is kept clean and in a proper state of repair.

PART IV

PENALTIES

11. Every person who shall offend against any of the foregoing byelaws shall, unless a special penalty is provided by any byelaw, be liable on summary conviction to a fine not exceeding five pounds and in the case of a continuing offence to a further fine not exceeding forty shillings for each day during which the offence continues after conviction therefor.

REPEAL OF BYELAWS¹

12. The byelaws relating to the observance of sanitary and cleanly conditions and practices in connection with the handling, wrapping and delivery of food sold or intended for sale for

¹ If there are no byelaws in force, this clause should be struck out.

PAGE

317 human consumption, and in connection with the sale or exposure for sale in the open air of food intended for human consumption which were made by the
on the day of
and were confirmed by
on the day of
are hereby repealed.

318 Regulations as to Food, line 1.—The power to make regulations under section 8 of the Act of 1938, is now exercised jointly by the Minister of Health and the Minister of Food—1948 Order, art. 2 (a).

Line 24 and footnote (h).—Bread is subject to control by S.R. & O. 1947, No. 1867 ; S.I. 1948, Nos. 1750 and 2612 ; and S.I. 1949, Nos. 169, 1778 and 1944.

Line 25 and footnote (i).—Flour is subject to control by S.R. & O. 1947, Nos. 548, 1627 and 1868 ; S.I. 1949, Nos. 1742 and 1779 ; and S.I. 1950, No. 1003.

320 Milk.—Article 14 of the Milk and Dairies Order, 1926, has been revoked. Regulation 21 of the Milk and Dairies Regulations, 1949—S.I. 1949, No. 1588—prohibits the handling, processing or storage of milk in any place where it is liable to become contaminated or infected. In particular it must not be handled, processed or stored—

- (a) in any room used as a kitchen, scullery, living-room or sleeping room ; or
- (b) in any room or part of building which communicates directly by door, window or otherwise with—
 - (i) any sanitary convenience cesspool or receptacle for ashes or other refuse, or a boiler house or fuel store or a room in which an internal combustion engine is operated unless the exhaust is discharged into the external air,
 - (ii) any room which is used as a sleeping-room or any room which is occupied by a person suffering from a notifiable disease ; or
- (c) in any room or part of a building in which there is any direct inlet to a drain which is not efficiently trapped.

Rats and Mice and footnotes (q) and (p).—The Rats and Mice (Destruction) Act, 1919, has been repealed and the Infestation Order, 1943, revoked, both with effect from 31st March, 1950, when the Prevention of Damage by Pests Act, 1949, came into operation.

Footnote (r).—As to rats and mice generally see the

PAGE

320 author's, "Housing Administration", Third Edition, 1947, London, Butterworth & Co. Ltd., pp. 570 *et seq.*, and the Supplement to this Edition, 1950, pp. A107 *et seq.*

321 Add at end of page :—

Clean Food Campaigns.—Recently, much attention has been paid by local authorities to the promotion of clean food campaigns, which have been conducted in a variety of ways. In order to ascertain the nature and extent of work of this kind, the Minister of Food asked local authorities to supply information from the beginning of 1948 under the following headings (Circular M.F. 12/49—20th August, 1949).

- (1) Lectures or classes for food traders or their employees.
- (2) Exhibitions.
- (3) Lectures etc. for the general public including local women's organisations.
- (4) Formation of Clean Food Guilds etc.
- (5) Formulation of local Codes of Practice.
- (6) Any other relevant activities.

322 Section 17, Food and Drugs Act, 1938.—The following words have been added to subsection (1) :—

"and where the local authority is not the local health authority, the district medical officer of health shall send a copy of the certificate within twelve hours after its receipt to the local health authority."—Section 76 and Tenth Schedule, National Health Service Act, 1946.

323 Add after subsection (4) :—

"(5) Where a copy of a certificate has been sent to the local health authority under this section, and any fee has been paid for that certificate by the local authority, the fee shall be repaid to the local authority by the local health authority."—Section 76 and Tenth Schedule, National Health Service Act, 1946.

325 Provisions with respect to Ice-cream.—As to the heat treatment of ice-cream, see *post*, p. 120 in this Supplement.

Line 27.—Ministry of Health Memorandum 188 Med. was revised in 1949—see Circular 46/49 (24th May, 1949),

332 Line 10.—The power to make regulations under section 8 of the Act of 1938, is now exercised jointly by the Minister of Health and the Minister of Food—1948 Order, art. 2 (a).

PAGE

332 Line 12.—Section 20 of the Act of 1938, has been repealed and re-enacted in section 1 of the Act of 1950 (*post*, p. 83), which authorises the Minister of Health, Minister of Food, and Minister of Agriculture and Fisheries acting jointly, to make regulations for preventing danger to health from the importation of milk.

Line 14.—The power to make regulations under section 30 of the Act of 1938, is now exercised by the Minister of Health and the Minister of Food acting jointly—1948 Order, art. 2 (a).

333 Paragraph (d).—The approval of a name for milk-blended butter is now the function of the Minister of Food and not the Minister of Agriculture—1948 Order, art. 6 (3) (b).

Line 38.—The name of the importer must now be sent to the Minister of Food, and not the Minister of Agriculture—1948 Order, art. 6 (3) (b).

335 Public Health (Imported Food) Regulations, 1937.—The functions of the Minister of Health under section 8 of the Act of 1938, have now been transferred to the Minister of Health and the Minister of Food acting jointly—1948 Order, art. 2 (a) ; and Public Health (Imported Food) (Amendment No. 2) Regulations, 1948 ; S.I. 1948, No. 1121.

The Public Health (Imported Food) Regulations, 1937, came into operation on 18th January, 1938, not 1st April.

337 Line 22.—After the word “ Meat ”, the words “ *other than mutton and lamb* ” have been inserted—Public Health (Imported Food) Amendment Regulations, 1948 ; S.I. 1948, No. 886.

338 Last paragraph.—The Minister of Food is now responsible for recognising certificates, labels, marks or stamps as “ official certificates ”, for the purpose of the provisions of the Imported Food Regulations—1948 Order, art. 9 (2).

339-340 Approved official certificates.—Various deletions and amendments have been made to the Table, which should now be replaced by the following Table :—

PAGE

339-**340**

Circular No. and Date	Approved official certificate issued by Ministers of Health and Food
1639—11.8.37	Bechuanaland Protectorate Brazil Bulgaria* Denmark Estonia* Finland French West Africa Hong Kong Iceland Latvia* Lithuania* Madagascar and Dependencies Poland Roumania Southern Rhodesia Switzerland Union of South Africa Yugoslavia
1675—24.3.38	Argentina Australia Belgium Canada Chile Free City/Danzig* Netherlands New Zealand Sweden Uruguay
1690—31.3.38	France Kenya Colony South West Africa Australia
1707—10.6.38	Brazil Canada Czechoslovakia
1719—25.7.38	Paraguay
1727—15.8.38	Chile Norway
1741—17.10.38	Australia Uruguay
1757—16.1.39	French Morocco Kenya Colony

PAGE
339-
340

Circular No. and Date	Approved official certificate issued by Ministers of Health and Food
1781—20.3.39	Lebanon Nippon (Japan)* Syria Union of South Africa
2025—17.6.40	Sind
122/44—19.9.44	New Zealand
4/47—22.1.47	Cyprus
110/47—30.6.47	Guatemala
141/47—10.9.47	U.S.A.
MF6/48—19.1.48	Nigeria
MF4/49—6.7.49	Italy
MF9/49—7.7.49	U.S.A. (Mexican Canned Meat)
MF13/49—31.8.49	Hungary
MF3/50—23.3.50	France
MF6/50—5.9.50	Malta
MF8/50—22.5.50	Eritrea
MF16/50—4.9.50	Algeria
MF18/50—23.10.50	Cyprus
MF20/50—15.11.50	Federal Republic of Germany

*These certificates have not been revoked but they could not be used.

340 Legal proceedings.—The reference is now to the Minister of Food and not the Minister of Health—1948 Order, art. 9 (2).

341 Line 3 and footnote (o).—See also the Public Health (Imported Food) (Amendment No. 2) Regulations, 1948 ; S.I. 1948, No. 1121.

Before “ Imported milk ”, add :

Whalemeat.—The Food and Drugs (Whalemeat) Regulations, 1949—S.I. 1949, No. 404—prohibit the importation

PAGE

341 of whalemeat or whalemeat products (other than those products excluded by definition) unless accompanied by a “veterinary certificate” and prescribe the manner in which uncertified whalemeat or whalemeat products must be dealt with. The Regulations also contain provisions for securing the observance of hygienic conditions in connection with the sale, transport and handling of whalemeat—see Ministry of Food Circular M.F. 1/49 (12th March, 1949).

“*Whalemeat*” means the flesh or other part of a whale edible as human food ; and “*whalemeat product*” means any product used or prepared for human consumption which is prepared from whalemeat whether with or without another ingredient, but does not include whale-oil, whale liver oil, whale-meat extract, vitamin concentrates or pharmaceutical products—Reg. 1 (1), Food and Drugs (Whalemeat) Regulations, 1949. No person is permitted to import into England or Wales for sale for human consumption any whalemeat or whalemeat product without a veterinary certificate—Reg. 4. “*Veterinary certificate*” means (a) a certificate given by a competent authority which relates to, or (b) a label, mark, stamp or other voucher which is affixed by a competent authority to, any overseas whalemeat or whalemeat product or to a package containing any such whalemeat or whalemeat product and which is for the time being recognised by the Minister of Food as certifying—

- (i) that the whalemeat to which it relates or the whalemeat from which the whalemeat product to which it relates was prepared, was derived from whales inspected post-mortem and passed as fit for human consumption in accordance with criteria satisfactory to the Minister ; and
- (ii) that all necessary precautions for the prevention of danger to public health were taken in the preparation, packing, marking, storing and transporting of the whalemeat or whalemeat product in accordance with conditions satisfactory to the Minister—Reg. 1 (1).

Various certificates have been approved by the Minister of Food as follows :—

					Ministry of Food Circular
Ministry of Food Veterinary					
Certificate	..	..	..	..	M.F. 2/49—25/3/49
New Zealand	..	..	..	..	M.F. 8/49— 6/7/49
Iceland	..	..	..	..	M.F. 1/50—31/1/50
Norway	..	..	..	..	M.F. 7/50— 8/5/50

PAGE

341 The Regulations are administered by a local authority, provided that the duty of enforcement of Part II (Importation, Examination and Sampling) and Part V (Transport and Handling) is placed on port health authorities in their district—Reg. 3.

Where it appears to an officer of Customs and Excise that any oversea food should be examined with a view to ascertaining whether it comprises any uncertificated whalemeat or whalemeat product, he must forthwith notify an authorised officer of the authority—Reg. 5 (1). "*Authorised officer*" means the medical officer of health, sanitary inspector, or a qualified veterinary surgeon authorised by the authority in writing to act in the enforcement and execution of the regulations—Reg. 1 (1).

If, upon examination, the authorised officer is of opinion that the overseas food comprises any uncertificated whalemeat or whalemeat product he must by a notice in writing forbid its removal for any purpose other than its exportation. A copy of this notice must be sent to the officer of Customs and Excise and to the authority—Reg. 5 (2). Within twelve hours of the receipt of such a notice, the authority must give to the importer notice in writing that, unless, within the time specified in the notice, not being less than twelve hours after the receipt thereof, he gives a written undertaking—

- (a) to export the food at his own expense ; or
- (b) otherwise to dispose of it so as to satisfy an authorised officer that it will not be used for human consumption ; or
- (c) to prove in proceedings before a justice that it does not comprise any uncertificated whalemeat or whalemeat product ;

it must be destroyed under the supervision of an authorised officer. If, within the time specified, any such undertaking has not been received by the authority, or having been received but not complied with within seven days after the receipt thereof, the importer fails to comply with it, the authority may cause the food to be destroyed or disposed of under the supervision of an authorised officer by such means and in such a manner as to prevent its being used for human consumption—Reg. 7.

Proper records of food destroyed in accordance with the above provisions of the Regulations must be kept by the authority—Reg. 9.

PAGE

341

A person selling whalemeat or exposing or offering whalemeat for sale from any stall—

- (a) must keep his name and address legibly painted or inscribed on the stall in some conspicuous position ;
- (b) must cause the stall (if not placed in an enclosed and covered market place) to be suitably covered over and to be screened at the sides and back in such a manner as to prevent mud, filth or other contaminating substance being splashed or blown from the ground upon any whalemeat on the stall ;
- (c) must cause every counter, slab, vessel or other article on or in which any whalemeat is placed for sale and all knives and other implements used in connection with the whalemeat to be thoroughly cleansed after use and to be kept at all times in a cleanly condition ;
- (d) must take all such steps as may be reasonably necessary to guard against the contamination of the whalemeat by flies ;
- (e) must not place or cause to be placed any whalemeat on or within eighteen inches of the ground or floor, unless the whalemeat is placed in a closed cupboard or other adequately protected place not less than nine inches from the ground or floor ; and
- (f) must cause all trimmings, refuse and rubbish to be placed in properly covered receptacles kept for the purpose apart from any whalemeat intended for sale—Reg. 10.

The occupier of any room in which whalemeat is prepared for sale or offered or exposed for sale or deposited for the purpose of sale or of preparation for sale—

- (a) must take all such steps as may be reasonably necessary to guard against the contamination of the whalemeat therein by flies and shall cause the whalemeat to be so placed as to prevent mud, filth, or other contaminating substance being splashed or blown thereon ;
- (b) must cause every counter, slab, vessel or other article on or in which any whalemeat is placed for sale and all knives and other implements used in connection with the whalemeat to be thoroughly cleansed after use and to be kept at all times in a cleanly condition ; and
- (c) must cause all trimmings, refuse and rubbish to be placed in properly covered receptacles kept for the purpose apart from the whalemeat intended for sale—Reg. 11.

Every person who conveys or causes to be conveyed any whalemeat in a vehicle—

- (a) must cause to be kept clean the inside and covering of the vehicle, the receptacles in which the whalemeat is placed, and such parts of any slings or other implements or apparatus used for loading or unloading as come into contact with the whalemeat or its covering ; and

PAGE

- 341** (b) if the vehicle is open at the top, back or sides or if any other commodity is being conveyed therein, must cause the whalemeat to be adequately protected by means of a clean cloth or other suitable material ;
- (c) must not permit any live animal to be conveyed in the vehicle at the same time as any whalemeat—Reg. 12 (1).

A person engaged in the handling or transport of any whalemeat—

- (a) must not permit any part of the whalemeat to come into contact with the ground ; and
- (b) must take such other precautions as are reasonably necessary to prevent the exposure of the whalemeat to contamination—Reg. 12 (2).

Every person who employs a person to carry whalemeat in or about a market or other place in which whalemeat is sold by wholesale or in or about any place wholly or mainly used for the storage of whalemeat before it is distributed to retailers, must cause such person while so occupied to wear, and every person while so occupied must wear, a clean and washable head covering and overall—Reg. 12 (3).

The above provisions do not apply to any whalemeat which is packed in hampers or strongly constructed and impervious cases or is adequately wrapped in jute or some other stout fabric—Reg. 12 (4).

The inspection of whalemeat and the conditions under which whalemeat is prepared, etc., on floating factories, auxiliary vessels and at land stations, is dealt with in detail in Memo. No. 2/Whalemeat—forwarded to local authorities with Ministry of Food Circular M.F. 2/50 (7th February, 1950). Local authorities have no statutory responsibilities in regard to this Memorandum.

- 342 Line 5.**—In the case of condensed milk from other countries, the facts must now be reported to the Minister of Food and not the Minister of Health—Ministry of Health Circular 23/48 and S.I. 1948, No. 1122.

Line 11.—The reference is now to the Minister of Food and not the Minister of Health—Ministry of Health Circular 23/48, and S.I. 1948, No. 1123.

- 343 Line 3.**—Consequent upon the transfer of functions from the Ministry of Health to the Ministry of Food, the consultation is now with the latter Ministry and not the Ministry of Health—Ministry of Health Circular 23/48, and S.I. 1948, No. 1118.

PAGE

- 361 Delete the paragraph beginning on line 25 and substitute the following :**

The policy outlined above necessitated the modification of the Act of 1938, and this was effected by the Food and Drugs (Milk and Dairies) Act, 1944, which, however, did not come into operation until 1st October, 1949 (see Food and Drugs (Milk and Dairies) Act, 1944 (Appointed Day) Order, 1949—S.I. 1949, No. 1587). The provisions of the Act of 1938 and the Act of 1944, in so far as they relate to milk and dairies and artificial cream, have been repealed and re-enacted in consolidated form in the Food and Drugs (Milk, Dairies and Artificial Cream) Act, 1950—in this Supplement referred to as the “ Act of 1950 ”—which came into operation on 1st January, 1951. The Act of 1950 is construed as if it formed part of the Act of 1938 (see sect. 32, Act of 1950).

Last paragraph.—Section 20 of the Act of 1938 has been repealed and replaced by section 1 of the Act of 1950 (see *post*, p. 83).

Footnote (f).—See now section 1 (1), Act of 1950, *post* p. 83.

- 362 In line 1 and footnote (g), for the definition of “ milk ” substitute the following :—**

“ Milk ” means cow’s milk intended for sale or sold for human consumption or intended for manufacture into products for sale for human consumption, and includes cream, skimmed milk and separated milk—Reg. 2 (1), Milk and Dairies Regulations, 1949—S.I. 1949, No. 1588. It will be noted that the Regulations of 1949 *supra*, apply to *cow’s* milk only, thus removing any doubt as to the position with regard to goat’s milk.

- 362- Milk and Dairies Regulations. Delete the whole of**
366 this section (pp. 362–366) and substitute the following :

MILK AND DAIRIES REGULATIONS

Power to make regulations.—The power of making Milk and Dairies Regulations is exercisable by the Minister of Health, the Minister of Food and the Minister of Agriculture and Fisheries acting jointly. The Ministers before making the regulations must consult with such representative organisations as they think fit and the regulations may be general regulations or regulations limited to a particular area—sect. 4, Act of 1950.

PAGE

362- Section 1 of the Act of 1950, *infra*, sets out the matters
366 which may be dealt with in milk and dairies regulations :—

Section 1, Food and Drugs (Milk, Dairies and Artificial Cream) Act, 1950—Power to make regulations to secure the purity of milk.

(1) Provision may be made by regulations under this Part of this Act, to be called “ Milk and Dairies Regulations,”—

- (a) for the inspection of cattle on dairy farms ;
- (b) for the inspection of dairies, and of persons in or about dairies who have access to the milk, or to the churns or other milk vessels ;
- (c) with respect to the lighting, ventilation, cleansing, drainage, and water supply of dairies ;
- (d) for securing the cleanliness of churns and other milk vessels and appliances ;
- (e) prescribing the precautions to be taken for protecting milk against infection or contamination ;
- (f) for preventing danger to health from the sale of infected, contaminated or dirty milk, and in particular for prohibiting the supply or sale of milk suspected of being infected ;
- (g) for imposing obligations on dairymen and their employees in regard to cases of infectious illness ;
- (h) for regulating the cooling, storage, conveyance and distribution of milk ;
- (i) with respect to the labelling, marking or identification, and the sealing or closing of churns and other vessels used for the conveyance of milk, the labelling of vessels in which milk is sold or offered or exposed for sale or delivered, and the display of the vendor's name and address on any stall, or any cart, barrow or other vehicle, from which milk is sold or delivered ;
- (j) in cases where no express provision is made by the Food and Drugs Act, 1938, or this Act, prohibiting or restricting—
 - (i) the addition of any substance to, or the abstraction of fat or any other constituent from, milk ;
 - (ii) the sale of milk to which any such addition, or from which any such abstraction, has been made, or which has been otherwise artificially treated ;
- (k) for preventing danger to health from the importation of milk.

In this subsection the expression “ milk ” means milk intended for sale or sold for human consumption, or intended for manufacture into products for sale for human consumption.

(2) Regulations made under paragraph (i) or paragraph (j) of the foregoing subsection shall not apply in relation to cream in so far as they are made for any purpose for which regulations with respect to cream may be made under paragraph (b) or paragraph (c) of subsection (1) of section eight of the Food and Drugs Act, 1938 (which authorise the making of regulations requiring the labelling or marking of food containers and regulating the composition of food).

PAGE

362- The regulations in force at the present time are the Milk
 366 and Dairies Regulations, 1949 ; S.I. 1949, No. 1588.

Ancillary provisions as to contents of Milk and Dairies Regulations.—Section 6 of the Act of 1950, *infra*, details the ancillary provisions which may be contained in Milk and Dairies Regulations—

Section 6, Food and Drugs (Milk, Dairies and Artificial Cream) Act, 1950—Ancillary provisions as to contents of Milk and Dairies Regulations.

Without prejudice to the generality of other provisions of this Part of this Act as to Milk and Dairies Regulations, such regulations may—

- (a) apply, as respects matters to be dealt with by the regulations, any provision in the Food and Drugs Act, 1938, in this act, or in any other Act dealing with the like matters, with the necessary modifications and adaptations ;
- (b) provide for an appeal to a court of summary jurisdiction against any refusal or other decision of an authority by whom the regulations are to be enforced and executed ;
- (c) authorise the making of charges for the purposes of the regulations or for any services performed thereunder and provide for the recovery of charges so made ;
- (d) make such ancillary and incidental provisions as appear to the Ministers making the regulations to be necessary or desirable.

Offences under the Milk and Dairies Regulations, 1949.—Any person who contravenes or fails to comply with any of the provisions of the Milk and Dairies Regulations, 1949, is guilty of an offence, and shall, except where a smaller penalty is provided by the Regulations, be liable on conviction, in the case of a first offence, to a fine not exceeding twenty pounds and, in the case of a subsequent offence, to a fine not exceeding £100 or to imprisonment for a term not exceeding three months or to both such a fine and imprisonment—Reg. 33, Milk and Dairies Regulations, 1949 ; S.I. 1949, No. 1588.

Duty to make provisions of Regulations known.—It is the duty of every dairy farmer and distributor to take all practicable steps to make the provisions of the Milk and Dairies Regulations, 1949, known to every person in or about any registered premises in his occupation so far as such provisions impose any duties or restrictions on such person and so far as they relate to the processes carried out by such person—Reg. 4, Milk and Dairies Regulations, 1949 ; S.I. 1949, No. 1588.

PAGE

362- *Enforcement of Milk and Dairies Regulations.*—Section 7
366 of the Act of 1950, *infra*, deals with the enforcement of the Regulations relating to milk and dairies.

Section 7, Food and Drugs (Milk, Dairies and Artificial Cream) Act, 1950—Enforcement of Milk and Dairies Regulations.

(1) Milk and Dairies Regulations shall specify the authorities, whether county councils, local authorities, Food and Drugs authorities or port health authorities, by whom they are to be enforced and executed, and may provide for the giving of assistance and information by any authority concerned in the administration of the regulations, or of this Act, or of the Food and Drugs Act, 1938, to any other authority so concerned for the purposes of their respective duties thereunder :

Provided that this subsection shall not apply to the enforcement or execution of regulations in respect of dairy farms or in respect of the registration of persons carrying on or proposing to carry on the trade of a dairy farmer, except any such regulation as is made for the purposes of paragraph (f) or paragraph (g) of subsection (1) of section one of this Act.

(2) The power of a county council or local authority under subsection (3) of section sixty-five of the Food and Drugs Act, 1938, to institute proceedings under any regulation made under that Act shall not include power to institute proceedings against any person for contravening or failing to comply with Milk and Dairies Regulations in respect of a dairy farm or in respect of the registration of persons carrying on or proposing to carry on the trade of a dairy farmer, except any such regulation as is made for the purposes of paragraph (f) or paragraph (g) of subsection (1) of section one of this Act.

(3) Any expenses incurred by a county council in the enforcement and execution of Milk and Dairies Regulations shall, if the Minister of Health by order so directs, be defrayed as expenses for special county purposes charged on such part of the county as may be provided by the order, but any such order may be revoked or varied by a subsequent order.

(4) The Minister of Health may, with the approval of the Treasury, repay out of moneys provided by Parliament such part, not exceeding three quarters, as he may with such approval determine of any sums paid by a local authority by way of compensation to any person for damage or loss sustained by him by reason of any prohibition or restriction imposed by Milk and Dairies Regulations on the sale, supply or use of milk which is infected or suspected of being infected.

(5) Milk and Dairies Regulations may in particular provide for imposing on persons contravening or failing to comply with the regulations penalties not exceeding the following, that is to say—

- (i) for a first offence a fine of twenty pounds ;
- (ii) for a subsequent offence a fine of one hundred pounds or imprisonment for three months or both.

(6) Milk and Dairies Regulations may in particular provide for the taking and examination of samples.

PAGE

362- As a result of the transfer of functions from local authorities to the Minister of Agriculture and Fisheries, whereby
366 the latter is now responsible for enforcing the provisions of the Milk and Dairies Regulations, 1949, relative to dairy farms and dairy farmers, local authorities are no longer charged with the enforcement of the Regulations in respect of dairy farms even where a distributor occupies farm premises in conjunction with the dairy farmer, although the local authority will, by virtue of Regulation 8 of the Milk and Dairies Regulations, 1949, be required to register such person as a distributor. The responsibility for ensuring that such distributor complies with the Regulations in buildings which he shares with the dairy farmer rests with the Minister of Agriculture and Fisheries. The position regarding cases of this kind was dealt with in Ministry of Food Circular M.F. 9/50 (30 : 5 : 50), which classifies three types of case, as follows—

- (i) Where all the buildings used by a distributor in connection with the treatment, handling or storage of milk are used by him exclusively, that is to say, none of those buildings is shared with the dairy farmer, it is proposed that those buildings shall be regarded as not forming part of the dairy farm for the purpose of regulation 8 of the Milk and Dairies Regulations, 1949, and shall accordingly be registered by the local authority ;
- (ii) Where all the buildings used by the distributor in connection with the treatment, handling or storage of milk, are shared with the dairy farmer, who also uses the buildings for such purposes, it is proposed that the buildings shall be regarded as forming part of the dairy farm and shall accordingly not be registered by the local authority, but by the Minister of Agriculture and Fisheries.
- (iii) Where some of the buildings used by the distributor in connection with the treatment, handling or storage of milk are used by him exclusively while others are shared with the dairy farmer, it is proposed that the buildings which are exclusively used by the distributor shall not be regarded as forming part of the dairy farm and accordingly shall be registered by the local authority, but the buildings which are shared shall be regarded as forming part of the dairy farm, and shall be registered by the Minister of Agriculture and Fisheries.

In cases (i) and (iii) above, County Agricultural Executive Committees have been instructed to notify the dairy farmer that the distributor who occupies unshared premises on his farm should apply to the local authority of the district for such premises to be registered as a dairy in accordance with regulation 8 of the Milk

PAGE

362- and Dairies Regulations, 1949. A copy of the letter from the
366 County Agricultural Executive Committee will be sent to the
local authority.

In all three cases, local authorities will, in pursuance of the provisions of regulation 8, be required to register the distributors as persons selling milk in their district and also to enforce and execute the provisions of regulations 18, 19 and 20. By section 4 (1) of the Food and Drugs (Milk and Dairies) Act, 1944, as amended by section 7 (2) of the Agriculture (Miscellaneous Provisions) Act, 1949 (section 4 (1) of the Act of 1944, and section 7 (2) of the Act of 1949, have been repealed and replaced by section 7 (2) of the Act of 1950), however, local authorities are precluded from instituting proceedings for contraventions of any of the other Milk and Dairies Regulations in respect of those premises which are registered as a dairy farm. Accordingly the responsibility for ensuring that the distributor complies with the regulations in buildings which he shares with the dairy farmer will rest with the Minister of Agriculture and Fisheries.

County Agricultural Executive Committees are being informed of these arrangements and are being instructed by the Minister of Agriculture and Fisheries to maintain close liaison with local authorities in these matters, and in particular to consult with the appropriate local authority before taking action to enforce the regulations against a distributor.

Notwithstanding the duty of the Minister of Agriculture and Fisheries to enforce the provisions of the Milk and Dairies Regulations, 1949, relative to dairy farms and dairy farmers, every local authority (see section 64 of the Act of 1938, p. 18 in the Main Work) is charged with the duty of enforcing the provisions of Regulations 18, 19 and 20, which relate to infection of milk (see pp. 125 *et seq.* in this Supplement).

Committees to review working of regulations.—Milk and Dairies Regulations must provide for the constitution of a central committee and of county committees, to keep under review the operation and administration of the regulations and to make recommendations with respect thereto, in the case of the central committee, to the Minister of Agriculture and Fisheries and, in the case of a county committee, to the central committee—section 5, Act of 1950.

The *Central Milk and Dairies Advisory Committee* was constituted by Regulation 35 (1) of the Milk and Dairies Regulations, 1949, in accordance with the provisions of Parts 1 and 2 of the Second Schedule to the Regulations, *infra*.

PAGE

362-

366

Second Schedule, Milk and Dairies Regulations, 1949.

PART I

Constitution of the Central Milk and Dairies Advisory Committee

1. The Central Milk and Dairies Advisory Committee (hereinafter referred to as the Central Committee) shall consist of a chairman and members appointed by the Minister of Agriculture and Fisheries after consultation with the Minister of Health and the Minister of Food. The number of members to be so appointed shall be such as the aforesaid Ministers may from time to time determine and shall include, amongst other persons, representatives of the interests of producers and of distributors of milk (including a representative of the co-operative milk trade), of veterinary surgeons, of landowners and of county councils and of local authorities.

2. The chairman shall hold office for three years and shall be eligible for re-appointment. He may resign by a notice in writing served on the Minister of Agriculture and Fisheries.

3. The term of office of any member shall be three years, but a member who ceases to hold office shall be eligible for re-appointment. Any member may resign his membership by a notice in writing served on the Minister of Agriculture and Fisheries. The Central Committee shall have power to act notwithstanding any vacancy among the members thereof.

4. If the Minister of Agriculture and Fisheries is satisfied that the chairman or any member of the Central Committee is incapacitated by infirmity of mind or body, or is otherwise unsuited to continue to discharge his duties or if the chairman or any member is adjudged bankrupt or makes a composition or arrangement with his creditors that Minister may revoke the appointment.

PART II

Procedure

1. The Central Committee shall meet at least once a year.

2. The Central Committee shall examine any reports or recommendations laid before them by the County Milk and Dairies Advisory Committees.

3. The Central Committee may make to the Minister of Agriculture and Fisheries such reports or recommendations as they may think fit with regard to the operation and administration of Milk and Dairies Regulations, and Milk (Special Designation) Regulations.

4. A secretary shall be appointed by the Minister of Agriculture and Fisheries.

PAGE

362- *County Milk and Dairies Advisory Committees* have also
366 been constituted by Regulation 35 (1) *supra*, in accordance with the provisions of Parts III and IV of the Second Schedule to the Regulations, *infra*.

Second Schedule, Milk and Dairies Regulations, 1949.

PART III

Constitution of a County Milk and Dairies Advisory Committee

1. A County Milk and Dairies Advisory Committee (hereinafter referred to as a County Committee) shall consist of a chairman appointed by the Minister of Agriculture and Fisheries after consultation with the county council for the county, and of not more than ten members.

2. The chairman shall hold office for three years and shall be eligible for re-appointment. He may resign by a notice in writing served on the Minister of Agriculture and Fisheries.

3. Members of a County Committee shall be appointed by the Minister of Agriculture and Fisheries after consultation with persons representing the interests of—

- (a) the county council,
- (b) the local authorities,
- (c) the County Agricultural Executive Committee,
- (d) distributors of milk (including a member of the co-operative milk trade),
- (e) producers of milk,
- (f) veterinary surgeons, and
- (g) landowners.

4. The term of office of any member of a County Committee shall be three years but a member who ceases to hold office shall be eligible for re-appointment. Any member may resign his membership by a notice in writing served on the Minister of Agriculture and Fisheries. A County Committee shall have power to act notwithstanding any vacancy among the members thereof.

5. If the Minister of Agriculture and Fisheries is satisfied that the chairman or any member of a County Committee is incapacitated by infirmity of mind or body or is otherwise unsuited to continue to discharge his duties, or if the chairman or any member is adjudged bankrupt or makes a composition or arrangement with his creditors, that Minister may revoke the appointment.

PART IV

Procedure

1. A County Committee shall meet from time to time but in any case not less than once every six months.

PAGE

362- 2. A County Committee shall review the operation and administration of Milk and Dairies Regulations, and Milk (Special Designation) Regulations in their County and may then report or make such recommendations as they may think fit in respect of the operation and administration of these regulations or any matter arising therefrom, to the Central Committee.

366

3. A secretary shall be appointed by the Minister of Agriculture and Fisheries.

366- **Registration of Cowkeepers and Dairymen. Delete**
377 **the whole of this section (pp. 366–377) and substitute**
the following :—

REGISTRATION OF DAIRY FARMS AND DAIRY FARMERS

The registration of dairy farms and of persons carrying on, or proposing to carry on, the trade of dairy farmer, is the responsibility of the Minister of Agriculture and Fisheries (Act of 1950, sect. 3 (1)). The expressions “dairy farm”, “dairy farmer” and “dairy”, have the following meanings (Act of 1950, sect. 34)—

“dairy farm” means any premises being a dairy as herein defined on which milk is produced from cows, but does not include any part of any such premises on which milk is manufactured into other products unless the milk produced on the premises forms a substantial part of the milk so manufactured; and if any question arises whether the milk produced on a farm or other premises forms a substantial part of the milk that is manufactured into other products thereon, that question shall be determined by the Minister of Agriculture and Fisheries;

“dairy farmer” means a dairyman who produces milk from cows;

“dairy” includes any farm, cowshed, milking house, milk store, milk shop or other premises from which milk is supplied on or for sale, or in which milk is kept or used for purposes of sale or of manufacture into butter, cheese, dried milk or condensed milk for sale, or in which vessels used for the sale of milk are kept, but does not include a shop from which milk is supplied only in the properly closed and unopened vessels in which it is delivered to the shop, or a shop or other place in which milk is sold for consumption on the premises only;

For the purposes of the Milk and Dairies Regulations, 1949, the definitions of “dairy” and “dairy farmer” are similar to those in the Act of 1950 given above but the definition of “dairy farm” in the Regulations is as follows

PAGE

366-

377

"dairy farm" means any farm, cowshed or other premises being a dairy on which milk is produced from cows, but does not include any part of any such farm or premises on which milk is manufactured into other products unless the milk produced on the farm or premises forms a substantial part of the milk so manufactured."

The expression "dairyman", in the Act of 1950, and the Regulations of 1949, includes "an occupier of a dairy, a cowkeeper, and a purveyor of milk" (Act of 1950, sect. 34 (1) ; and Reg. 2 (1), Milk and Dairies Regulations, 1949).

The provisions relating to the registration of dairy farms and of dairy farmers are contained in Part II of the Milk and Dairies Regulations, 1949. Reg. 6, *infra*, requires the Minister of Agriculture and Fisheries to keep a register of dairy farms and of dairy farmers. Under the provisions of Reg. 7, the Minister is empowered to refuse or cancel the registration of a dairy farm or dairy farmer. Subject to this power, registration must be effected upon receipt of an application in writing. It will be noted that any premises being a dairy farm and any person carrying on the trade of dairy farmer immediately before 1st October, 1949 (the date of operation of the Act of 1944), was deemed to have been registered in pursuance of the Regulations on that date. This is so even if the premises and person were not registered by the local authority prior to the above date.

Regulation 6, Milk and Dairies Regulations, 1949.

6.—(1) The Minister of Agriculture and Fisheries shall keep a register of all persons carrying on the trade of dairy farmer, and of all dairy farms.

(2) Any person who wishes to be registered as a dairy farmer or to register any premises as a dairy farm, shall make application in writing to the Minister of Agriculture and Fisheries.

(3) Subject to the provisions of Regulation 7, the Minister of Agriculture and Fisheries, on an application in writing by any person carrying on or proposing to carry on the trade of dairy farmer or to use any farm or other premises as a dairy farm, shall register such person and such premises.

(4) No person shall carry on the trade of dairy farmer or use any premises as a dairy farm unless he and any such premises are registered in pursuance of these regulations.

(5) Any premises being immediately before the commencement of the Food and Drugs (Milk and Dairies) Act, 1944, a dairy farm and any person then carrying on the trade of dairy farmer shall be deemed to have been registered in pursuance of these regulations at the commencement of the Food and Drugs (Milk and Dairies) Act, 1944.

PAGE

366-
377

(6) (a) Every authority who, before these regulations came into operation, registered persons or premises in accordance with Article 6 of the Milk and Dairies Order, 1926, shall furnish the Minister of Agriculture and Fisheries, on request, with particulars of all persons and premises entered in their registers at the commencement of the Food and Drugs (Milk and Dairies) Act, 1944, being persons or premises which in the opinion of the authority are dairy farmers or dairy farms for the purposes of these regulations.

(b) The Minister of Agriculture and Fisheries shall notify every such person that he and the premises used by him as a dairy farm are deemed to have been registered as a dairy farmer and dairy farm respectively in accordance with these regulations at the commencement of the Food and Drugs (Milk and Dairies) Act, 1944, and that his name and the description of the premises will be removed from the registers of the authority, and entered in the register kept by the Minister of Agriculture and Fisheries ; and having regard to any representations received from such a person, the necessary adjustments shall be made in the respective registers accordingly.

(7) Without prejudice to the making of an application under paragraph (2) of this regulation, any person who is of opinion that he, or premises in his occupation, ought to be deemed to have been registered as a dairy farmer, or as a dairy farm, at the commencement of the Food and Drugs (Milk and Dairies) Act, 1944, and who does not receive a notification to that effect, may apply to the Minister of Agriculture and Fisheries, and that Minister, if he is satisfied that the person or premises should be deemed to have been so registered, shall cause the necessary adjustments to be made in the register kept by him.

(8) The name of any registered person ceasing to carry on the trade of dairy farmer and the description of any registered premises which cease to be used for the purpose of a dairy farm shall be removed from the register.

The duties placed upon the Minister of Agriculture and Fisheries by Reg. 6, *supra*, have been delegated by him to County Agricultural Executive Committees—Milk and Dairies (Delegation to County Agricultural Executive Committees) Regulations, 1949 ; S.I. 1949, No. 1847.

Power to refuse or cancel registration of dairy farms and dairy farmers.—Section 3 (2) of the Act of 1950, requires Milk and Dairies Regulations to contain the provisions set out in Part II of the First Schedule to that Act, *infra*.

Schedule 1, Part II, Food and Drugs (Milk, Dairies and Artificial Cream) Act, 1950—Refusal and cancellation of registration of dairy farms and farmers.

7. Milk and Dairies Regulations shall provide—

(a) for the refusal by the Minister of Agriculture and Fisheries of registration of a dairy farm or of a person carrying on,

PAGE

366-

377

or proposing to carry on, the trade of a dairy farmer, if in his opinion, having regard to conditions existing at the premises to be registered, the regulations cannot be complied with and the registration should be refused ; and

- (b) for the cancellation of any such registration by that Minister if in his opinion the regulations are not being complied with and the registration should be cancelled.

8. Any regulations made by virtue of the last foregoing paragraph shall—

- (a) require notice to be given to the person affected of any intention to refuse or cancel the registration, stating the grounds on which it is alleged that the regulations cannot be or are not being complied with, as the case may be, and his rights of making objections and representations in accordance with the regulations ;
- (b) enable the said person, within the time prescribed by the regulations (which shall not be less, in the case of a refusal, than twenty-eight days or, in the case of a cancellation, than twenty-one days, from the date of the service of the said notice), to object, in respect of all or any of the grounds stated in the said notice, that the regulations can be or are being complied with, as the case may be ;
- (c) provide for the reference of any such objection to a tribunal constituted in accordance with the regulations ;
- (d) provide for the procedure of the said tribunal, and in particular for entitling the person objecting to appear before the tribunal with any witnesses he desires to call, and to require the tribunal to inspect the premises to which the objections relate ;
- (e) require the said tribunal to determine whether the objections are made out, and, if not, on which of the grounds in respect of which they are made they are not made out and provide that, in the event of a difference of opinion among the members of the tribunal, the determination of the majority of them shall be the determination of the tribunal ;
- (f) require that the determinations of the tribunal shall be reported to the Minister of Agriculture and Fisheries and communicated by him to the person objecting, and provide that the determinations of the tribunal as stated in the report shall, for the purpose of the proposal to refuse or cancel registration, be conclusive evidence of the facts found thereby ;
- (g) enable the said person within the time so prescribed to make representations to the Minister of Agriculture and Fisheries that the registration should not be refused or cancelled on the grounds stated in the notice mentioned in sub-paragraph (a) of this paragraph ;
- (h) provide that no registration shall be cancelled—
 - (i) in any case, until the expiration of the prescribed time for making objections or representations under the regulations ;

PAGE

366-

377

- (ii) in a case where an objection is made within that time, until the report of the tribunal thereon has been received and considered by the said Minister ;
- (iii) in a case where representations are made to the said Minister within that time, until the representations have been considered by him.

9. There shall be paid out of moneys provided by Parliament to the chairman of any such tribunal as is referred to in the last foregoing paragraph such remuneration (by way of salary or fees) and such allowances as the Minister of Agriculture and Fisheries may, with the approval of the Treasury, determine.

Regulation 7 and the First Schedule of the Milk and Dairies Regulations, 1949, *infra*, contain the detailed procedure with respect to the refusal or cancellation of registration of dairy farms and farmers. By the Milk and Dairies (Delegation to County Agricultural Executive Committees) Regulations, 1949 (S.I. 1949, No. 1847) the Minister of Agriculture and Fisheries has delegated to County A.E.C.s the duty of "giving notice of intention to refuse or cancel a registration, and particulars of the grounds therefor and of the rights of the person affected in relation thereto, receiving objections from any such person affected, referring such objections to a tribunal, receiving and considering representations from persons affected, communicating to persons affected the Minister's decision whether or not to refuse or cancel the registration and (where appropriate) cancelling the entry in the register."

Regulation 7, Milk and Dairies Regulations, 1949.

7.—(1) The Minister of Agriculture and Fisheries may refuse to register a person carrying on or proposing to carry on the trade of dairy farmer or a dairy farm, if in his opinion having regard to conditions existing at the premises to be registered, these regulations cannot be complied with and the registration should be refused, and may cancel the registration of a dairy farmer or dairy farm, if in his opinion these regulations are not being complied with and the registration should be cancelled.

(2) Notice shall be given by the Minister of Agriculture and Fisheries to the person affected of any intention to refuse or cancel the registration, stating the grounds on which it is alleged that the regulations cannot be or are not being complied with, as the case may be, and the rights of that person of making objections and representations in accordance with these regulations.

(3) (a) At any time within 28 days from the receipt of a notice of intention to refuse a registration the person affected may make objections in writing to the Minister of Agriculture and Fisheries, in respect of all or any of the grounds stated in the notice, that the regulations can be complied with.

PAGE

366-

377

(b) At any time within 28 days from the receipt of a notice of intention to cancel a registration the person affected may make objections as aforesaid that the regulations are being complied with.

(4) Any such objection shall be referred by the Minister of Agriculture and Fisheries to a tribunal constituted in accordance with the provisions contained in Part I of the First Schedule to these regulations.

(5) The provisions of Part II of the First Schedule shall have effect with respect to the procedure of the tribunal, the determinations of the tribunal and the reporting of such determinations to the Minister of Agriculture and Fisheries.

(6) The determinations of the tribunal shall be communicated by the Minister of Agriculture and Fisheries to the person objecting and the determinations of the tribunal as stated in their report to the Minister of Agriculture and Fisheries shall, for the purpose of the proposal to refuse or cancel registration, be conclusive evidence of the facts found thereby.

(7) Either in addition to or instead of making objections on receipt of a notice of intention to refuse or cancel a registration, the person affected may at any time within 28 days from the receipt of such notice, make representations in writing to the Minister of Agriculture and Fisheries that the registration should not be refused or cancelled, as the case may be, on the grounds stated in such notice.

(8) No registration shall be cancelled—

- (a) in any case, until the expiration of the period within which objection may be made or within which representations may be made ;
- (b) where an objection is made, until the report of the tribunal thereon has been received and considered by the Minister of Agriculture and Fisheries ;
- (c) where representations are made to the Minister of Agriculture and Fisheries, until the representations have been considered by him.

First Schedule, Milk and Dairies Regulations, 1949.

PART I

Constitution of Tribunals under the provisions of section 1 (3) (c) of the Food and Drugs (Milk and Dairies) Act, 1944.

1. A tribunal shall consist of a chairman and two other members.

2.—(1) The chairman shall be an independent person appointed by the Minister of Agriculture and Fisheries.

(2) One member shall be a person appointed by the Minister of Agriculture and Fisheries from a panel nominated jointly by the National Farmers' Union and the Milk Marketing Board.

PAGE

366-

377

(3) One member shall be a person appointed by the Minister of Agriculture and Fisheries after consultation with the Minister of Health and the Minister of Food as being representative of the consumers' interest.

3.—(1) The chairman shall hold office for three years and shall be eligible to be re-appointed as chairman.

(2) The chairman may resign his office by notice in writing served on the Minister of Agriculture and Fisheries.

(3) If the Minister of Agriculture and Fisheries is satisfied that the chairman is incapacitated by infirmity of mind or body from discharging the duties of his office, or is adjudged bankrupt or makes a composition or arrangement with his creditors, he may revoke the appointment.

(4) If the Minister of Agriculture and Fisheries is satisfied that the chairman is prevented by sickness or any other reason from acting on any reference to the tribunal, he may appoint an independent person to act in place of the chairman on that reference.

PART II

Procedure

1. Where in accordance with Regulation 7 of these regulations any objection in respect of any of the grounds stated in the notice of intention to refuse or cancel a registration is required to be referred to a tribunal by the Minister of Agriculture and Fisheries, that Minister shall forthwith inform the chairman of the tribunal of the reference to the tribunal, and of the name and address of the person making objection. He shall send to the chairman and to the members of the tribunal copies of his notice of intention to refuse or cancel the registration, as the case may be, and of the objection made by the person affected.

2. The chairman on being informed of the reference to the tribunal shall fix a convenient date and place for the hearing of the reference.

3.—(1) The person making objection may appear at the hearing on his own behalf or may be represented or assisted by any person whom he may appoint for the purpose.

(2) The Minister of Agriculture and Fisheries may be represented by any person instructed in that behalf.

4.—(1) At the hearing of the reference, the tribunal shall give an opportunity to the person making objection, or to his representative to address the tribunal and to produce evidence. The representative of the Minister of Agriculture and Fisheries may put questions to any witness called by or on behalf of the person making objection, including such person.

(2) The tribunal shall give the representative of the Minister of Agriculture and Fisheries an opportunity to address the tribunal and to produce evidence. The person making objection, or his representative may put questions to any witness called by or on behalf of the said Minister.

PAGE
366-
377

5. The tribunal shall if required by the objecting person or if they so wish, visit and inspect the premises in respect of which objection is made.

6. The tribunal shall determine whether the objections are made out and, if not, on which of the grounds on which they are made, they are not made out.

7. The tribunal may take notice of the circumstances existing at the date of the hearing, where there has been any change of circumstances since the date of the notice issued by the Minister of Agriculture and Fisheries.

8. The tribunal may adjourn the hearing from time to time if for any reason it appears to them necessary or desirable so to do.

9. In the event of a difference of opinion amongst the members of the tribunal the determination of the majority of them shall be the determination of the tribunal.

10. The chairman shall report the determination of the tribunal to the Minister of Agriculture and Fisheries in writing.

11. The hearing shall be open to the public.

12. Save as in this Schedule expressly provided, the tribunal shall have power to regulate their own business.

Where a person who is registered as a dairy farmer dies, the registration enures for the benefit of his widow or any other member of his family until the expiration of two months from his death, or until the expiration of such longer period as the minister may allow—section 97 of the Act of 1938.

Particulars of registration of persons and premises to be supplied to Minister of Agriculture.—Regulation 6(6) of the Milk and Dairies Regulations, 1949, requires every authority who, before the regulations came into operation, registered persons or premises in accordance with Article 6 of the Milk and Dairies Order, 1926, to furnish the Minister of Agriculture and Fisheries, on request, with particulars of all persons and premises entered in their registers at the 1st October, 1949, being persons and premises which in the opinion of the authority were dairy farmers or dairy farms for the purposes of the regulations. Any premises being immediately before the 1st October, 1949, a dairy farm, and any person carrying on the trade of dairy farmer, are deemed to have been registered in accordance with the Regulations of 1949 by the Minister of Agriculture on that date and the Minister was required to notify every such person that he and his premises had been so registered—see section 35 (2) of the Act of 1950 and Regulation 6 (6) (b) of the Regulations of 1949.

PAGE

366-

377

REGISTRATION OF DAIRYMEN

The registration of persons carrying on, or proposing to carry on, the trade of a dairyman and for the registration of dairies, is the responsibility of local authorities in all cases where the person concerned is a "distributor", i.e., "a person trading as a dairyman elsewhere than at or from premises in relation to which he is registered as a dairy farmer under these regulations"—Milk and Dairies Regulations, 1949, reg. 2 (1).

Every local authority (see page 18 in the Main Work) must keep a register of all persons carrying on the trade of a distributor in their district and of all premises within their area which are used as dairies, not being dairy farms, and must remove from such register the name of any person who ceases so to trade and the address of any premises which cease to be so used. Application to be registered must be made in writing to the registering authority. No person shall carry on the trade of distributor or use any such premises as a dairy, not being a dairy farm, unless he or, as the case may be, those premises are registered—Reg. 8, Milk and Dairies Regulations, 1949.

A local authority may refuse or cancel the registration of a distributor, in accordance with the provisions of section 2 of the Act of 1950, and Part I of the First Schedule thereto *infra*.

Schedule 1, Food and Drugs (Milk, Dairies and Artificial Cream) Act, 1950—Refusal and cancellation of registration of dairymen.

PART I

DAIRYMEN

1. If it appears to an authority by whom dairymen are registered in pursuance of Milk and Dairies Regulations, other than the Minister of Agriculture and Fisheries, that the public health is, or is likely to be, endangered by any act or default of a person who has applied to be, or is, so registered by the authority, being an act or default, committed whether within or without the district of the authority, in relation to the quality, storage or distribution of milk, they shall serve on him a notice—

- (a) stating the place and time, not being less than seven days after the date of the service of the notice, at which they propose to take the matter into consideration; and.
- (b) informing him that he may attend before them, with any witnesses whom he desires to call, at the place and time mentioned to show cause why they should not, for reasons

PAGE
366-
377

specified in the notice, refuse to register him or cancel his registration, as the case may be, either generally or in respect of any specified premises.

2. If a person on whom a notice is served under the foregoing paragraph fails to show cause to the satisfaction of the authority, they may refuse to register him or cancel his registration as the case may be, and shall forthwith give notice to him of their decision in the matter, and shall, if so required by him within fourteen days of their decision, give to him within forty-eight hours a statement of the grounds on which it was based.

3. A person aggrieved by the decision of an authority under this Part of this Schedule to refuse to register him, or to cancel his registration, may appeal to a court of summary jurisdiction.

4. The court before whom a person registered as a dairyman otherwise than by the Minister of Agriculture and Fisheries is convicted of an offence under any of the provisions relating to milk in the Food and Drugs Act, 1938, or this Act, or under any Milk and Dairies Regulations may, in addition to any other penalty, cancel his registration as such.

5. An authority other than the Minister of Agriculture and Fisheries may require a person who applies to them for registration as a dairyman to give to them, before his application is considered, information as to whether he is, or has been, registered as a dairyman, whether by them, or the Minister of Agriculture and Fisheries or some other authority, and if an applicant who is so required gives to the authority any information which is false in any material respect, he shall be guilty of an offence.

6. Where under this Part of this Schedule a person's application for registration is refused, or his registration is cancelled, he shall not be liable for any breach of contract for the purchase of further supplies of milk from any person, if such refusal or cancellation was due to the quality of the milk supplied by that person.

It will be noted that the power of a local authority to refuse or cancel the registration of a distributor, is restricted to cases where "*the public health is, or is likely to be, endangered by any act or default of a person*", whereas the Minister of Agriculture and Fisheries, in the exercise of his powers in relation to the registration of dairy farms and dairy farmers, is entitled to refuse or cancel registration if "*in his opinion, having regard to conditions existing at the premises to be registered, the regulations cannot be complied with*" or "*are not being complied with*". Consequently, the power of a local authority to refuse or cancel the registration of a distributor is much less extensive than that of the Minister in relation to dairy farms and farmers.

Where a sanitary inspector is of opinion that an application for registration should be refused or a registration

PAGE

366- cancelled, he should submit a full report in writing to the
377 local authority, setting out in detail the reasons for recommending such action, including precise information of specific contraventions of the Milk and Dairies Regulations, 1949. As the authority must act in a quasi-judicial character when deciding the matter, it is desirable that the procedure should follow closely that suggested with regard to designated milk licences, see p. 435 in the Main Work. The sanitary inspector, being in the nature of the prosecutor, should state the case for refusing or cancelling registration, after which the applicant or registered person should be given full opportunity to answer the points made by that officer. Nothing should be said to the local authority by either party in the absence of the other. As to the appointment of committees and sub-committees and the delegation of the powers of the local authority thereto, see p. 29 in the Main Work. As to the giving of notices, see section 283, Public Health Act, 1936 (19 Halsbury's Statutes, 2nd Edn. 463), incorporated in the Act of 1938 and 1950 by section 96 of the Act of 1938.

Where a person is aggrieved (and the successor to the business of a dairyman may be—see *Prosser v. Mountain Ash Urban District Council*, [1931] 2 K.B. 132 ; Digest Supp.) by the decision of a local authority, he has a right of appeal to a court of summary jurisdiction. In such circumstances it is important that there should be a full record of the proceedings before the local authority for consideration by the court. The time within which an appeal may be brought is 21 days from the date on which the local authority's decision is served and the right of appeal must be stated on the notice informing the person of the authority's decision—see section 87 of the Act of 1938 (p. 14 of the Main Work). An appeal from the judgment of a court of summary jurisdiction lies to quarter sessions—section 88 of the Act of 1938. Pending the determination of an appeal, the person concerned may carry on the business of a retail purveyor of milk—section 90 of the Act of 1938 (p. 15 of the Main Work).

Where a person who is registered as a distributor of milk dies, the registration enures for the benefit of his widow or any other member of his family until the expiration of two months from his death, or until the expiration of such longer period as the local authority may allow—section 97 of the Act of 1938.

PAGE

379- Provisions with respect to Cowkeepers. Delete the
386 whole of this section (pp. 379–386) and substitute the following :—

PROVISIONS WITH RESPECT TO DAIRY FARMS
AND DAIRY FARMERS

For the purposes of the Regulations of 1949, “ *dairy farm* ” means any farm, cowshed or other premises being a dairy on which milk is produced from cows, but does not include any part of any such farm or premises on which milk is manufactured into other products unless the milk produced on the farm or premises forms a substantial part of the milk so manufactured ; “ *dairy farmer* ” means a dairyman who produces milk from cows ; “ *milking house* ” means any building or part of a building or any shed in which cows are milked ; and “ *milk room* ” means any part of a dairy, not being a milking house or premises which constitute a dairy solely by the reason of sale thereof of milk in open containers for consumption elsewhere or off the premises, in which milk is cooled, processed, handled or stored or manufactured into milk products and which is used only for those purposes and for the cleansing and storage of milk utensils—Regulation 2 (1), Milk and Dairies Regulations, 1949.

The Ministry of Works have issued a comprehensive Report—Post-War Building Studies No. 17 ; 1945 ; H.M.S.O., price 3s. net.—on *Farm Buildings*, chapter 9 of which deals with the construction of cowsheds and dairies, to which reference should be made. The Agricultural Land Service of the Ministry of Agriculture and Fisheries, have also issued a number of leaflets, in the series “ *Fixed Equipment of the Farm* ”, dealing with farm buildings, including—

No. 1.—Cowsheds in Modern Practice.

No. 3.—Farm Dairies.

No. 5.—The Milking Parlour : A Summary of Modern Practice.

These are obtainable from H.M. Stationery Office, price 3d. each.

Lighting and ventilation.—Reg. 11 of the Regulations of 1949, *infra*, deals with the lighting and ventilation of registered premises at dairy farms. It should be noted that the Minister of Agriculture may allow a building to

PAGE

379- continue to be used notwithstanding that it does not fully
386 comply with the Regulations if it was so used at the 1st
October, 1949.

Regulation 11, Milk and Dairies Regulations, 1949.

(1) No person shall use as a milking house, milk room or for the handling, processing or storage of milk, any building or part of a building, which is so situated as to lead to the risk of contamination of the milk.

(2) No person shall use as a milking house, milk room or for the handling, processing or storage of milk, any building or part of a building (other than a cold store) on registered premises, which is not provided with a sufficient number of openings suitably placed and so used as to secure that the air therein is kept in a fresh and wholesome condition.

(3) No person shall use as a milking house, milk room or for the handling, processing or storage of milk, any building or part of a building on registered premises, which is not provided with such windows or such means of artificial lighting as are necessary to enable the milking of cows and any other process connected with milk to be conducted in a good and proper light :

Provided that any building or part of a building on a dairy farm being used as a milking house or milk room at the commencement of these regulations which does not conform with the requirements of this paragraph may, notwithstanding its failure to conform with such requirements, continue to be so used for such period as the Minister of Agriculture and Fisheries may allow.

(4) No person shall house cows in any building or part of a building on a dairy farm, not being a milking house, unless it is provided with light and ventilation adequate for the maintenance of the health of the cows. The approach and access to any building or part of a building, not being a milking house, in which cows are housed shall be kept clear of any accumulation of dung or other offensive matter. The conditions in which the cows are kept shall be such as to prevent gross and avoidable soiling of the animals.

It will be seen that a building used for the housing of cows which is *not* used as a milking house, must be provided with light and ventilation adequate for the maintenance of the health of the cows. It should also be noted that the approach to such a building must be kept clear of any accumulation of dung or other offensive matter and the conditions must be such as to prevent gross and avoidable soiling of the animals.

Water supply.—All registered premises must be provided with a supply of water suitable and sufficient for the requirements of the Regulations of 1949. Every receptacle

PAGE

- 379- used for the storage or conveyance of water must be emptied
386 and cleansed as often as may be necessary to prevent the pollution of the water and to maintain it in a suitable condition for the purpose for which it is required. The water supply used for the watering of cows must, as far as is reasonably possible, be protected against contamination caused by the drainage of foul water or otherwise—Reg. 12, Milk and Dairies Regulations, 1949.

It will be seen that the water supply must be sufficient in *quantity* and suitable in *quality*. Although the duty of enforcing the provisions of the Milk and Dairies Regulations, 1949, in regard to water supply at dairy farms, is the responsibility of the Minister of Agriculture and Fisheries, the general duties of local authorities in relation to water supply under the Public Health Act, 1936, are not affected, it is essential that local authority officers should consult with officers of the Ministry on matters of common interest in relation to water supply. There is a Water Supplies Officer on the staff of each County Agricultural Executive Committee—see Ministry of Health Circular 87/49, para 12—7th September, 1949.

Construction of milking house.—Reg. 13 of the Regulations of 1949, *infra*, contains the provisions relating to the construction of milking houses. It should be noted that these apply only to buildings used as milking houses and not to those used only for the housing of cows. In other words, where some form of milking parlour is used for the milking of cows, the buildings used for the housing of the animals need not be of the standard prescribed by Regulation 13. It should, however, be remembered that Reg. 11 (4) and Reg. 12, require premises used for the housing of cows to be properly lighted and ventilated, and provided with a suitable and sufficient supply of water.

In deciding whether the provisions of Reg. 13 (b) *infra*, relative to the suitability of the place of disposal of drainage from a milking house, are complied with, it is the general practice for officers of the Ministry of Agriculture to confer with the sanitary officer of the local authority concerned because the creation of a nuisance or conditions prejudicial to health as a result of unsuitable arrangements for the disposal of drainage, would be matters falling to be dealt with by the local authority and not the Ministry.

PAGE

379- Regulation 13, Milk and Dairies Regulations, 1949.

386 No occupier of any building, part of a building or shed shall use it as a milking house unless—

- (a) those parts of the surface of the floor liable to soiling by cows are impervious and constructed of such material and in such a manner as to render it practicable to remove any liquid matter which may fall thereon and to prevent, as far as is reasonably practicable, the soiling of the cows ;
- (b) the floor is so sloped and provided with gutters or channels of some impervious material as to ensure that any liquid matter which falls on the floor, or in the gutters or channels, is thereby conveyed to a suitable drain outside the building and thence to a suitable place of disposal, but nothing in this regulation shall be deemed to prohibit the practice of providing for the absorption of such liquid matter into some removable material which is afterwards disposed of outside the building ;
- (c) those parts of the surface of any walls liable to soiling or infection by cows are impervious and capable of being readily cleansed :

Provided that for the purposes of this regulation—

- (i) any building, part of a building or shed being used as a milking house at the commencement of these regulations which does not conform with the requirements of this regulation, may, notwithstanding its failure to conform with such requirements, continue to be so used for such period as the Minister of Agriculture and Fisheries may allow ; and
- (ii) the requirements of sub-paragraphs (a) and (b) of this regulation shall not apply to a milking house which is a movable shed, but that shed shall be moved with sufficient frequency to avoid contamination of the milk.

Cleanliness of milking houses.—Reg. 15 of the Regulations of 1949, requires every dairy farmer to—

- (a) cause every part of the interior of every milking house in his occupation to be kept in such a state of cleanliness as will prevent contamination of the milk ;
- (b) cause all dung and other offensive matter to be removed at least once every day from any milking house in his occupation ; and
- (c) cause the approach and access to any milking house or milk room to be kept free from any accumulation of dung or offensive matter.

Cleanliness and construction of milk rooms.—The provisions of the Regulations of 1949 relative to milk rooms, as regards cleansing and construction, are contained in Reg. 14, *infra*.

PAGE

379- *Regulation 14, Milk and Dairies Regulations, 1949.*

386

The occupier of any milk room or building or part of a building in which milk is handled, processed or stored, or is kept or used for the purpose of sale or manufacture into butter, cream, cheese, dried milk or condensed milk for sale, shall—

- (a) cause the interior thereof and any furniture and fittings therein to be cleansed as often as may be necessary to maintain them at all times in a state of thorough cleanliness ; and
- (b) except in the case of a building or part of a building in which milk is solely or mainly dealt with by way of retail sale—
 - (i) cause the floor thereof to be constructed of such material and in such a manner as to render the surface impervious so that it is practicable to remove any liquid matter which may fall thereon, and cause such floor to be so sloped as to convey such liquid matter to a suitable and properly trapped drain ;
 - (ii) cause the surface of any wall or part of a wall liable to splashing by milk or otherwise to be smooth and impervious ; and
 - (iii) cause such floor and any such wall or part thereof to be cleansed with water at least once in every day.

Prevention of contamination of milk.—The provisions relating to the prevention of contamination of milk by dairy farmers are contained in Part VIII of the Regulations of 1949. Reg. 21, *infra*, contains the general requirements for preventing the contamination or infection of milk—

Regulation 21, Milk and Dairies Regulations, 1949.

The following provisions shall apply for the purpose of preventing contamination or infection of milk :—

- (1) Milk shall not be handled, processed or stored in any place where it is liable to become contaminated or infected. In particular it shall not be handled, processed or stored—
 - (a) in any room used as a kitchen, scullery, living-room or sleeping-room ; or
 - (b) in any room or part of a building which communicates directly by door, window or otherwise with—
 - (i) any sanitary convenience, cesspool or receptacle for ashes or other refuse, or a boiler house or fuel store or a room in which an internal combustion engine is operated unless the exhaust is discharged into the external air,
 - (ii) any room which is used as a sleeping-room or any room which is occupied by a person suffering from a notifiable disease ; or

PAGE

379-

386

- (c) in any room or part of a building in which there is any direct inlet to a drain which is not efficiently trapped :

Provided that the foregoing provisions shall not be deemed to prohibit the deposit or keeping of milk intended for use in the manufacture of butter, treated cream or cheese on the premises where it is produced, in a room used as a kitchen.

(2) No article except those used in connection with the production, treatment, handling, storing or distribution of milk may be deposited in a milk room, but this paragraph shall not be deemed to prohibit the deposit of butter or ice-cream in a milk room.

(3) Vessels containing milk shall be properly covered or the milk shall be otherwise effectively protected from dust, dirt, flies or other sources of contamination.

(4) No foul or noxious matter or soiled bed or body clothing shall be conveyed through any part of a building used for the keeping or storage of milk.

(5) A milk room shall not be used for any purposes other than the cooling, processing, handling and storage of milk, the manufacturing of milk into milk products and the cleansing and storing of milk utensils.

Milking of cows.—Every dairy farmer must cause the following precautions to be taken in connection with the milking of cows—

Regulation 16, Milk and Dairies Regulations, 1949.

Every dairy farmer shall cause the following precautions to be taken in connection with the milking of cows :—

(1) No dry bedding, hay or other dusty matter shall be moved in the milking house during the milking or within half an hour before the milking commences, in such manner as to cause risk of contamination of the milk.

(2) The milking shall be carried out in a good and proper light, whether in the daytime or in the hours of darkness.

(3) Before milking is begun all dirt on or around the flanks, tail, udder and teats of each cow shall be removed and the udder and teats shall be kept thoroughly clean during milking.

(4) The hands of the milker shall be thoroughly washed and dried before milking and shall throughout the milking be kept clean, free from contamination and, as far as practicable, dry.

(5) All milking stools shall be kept thoroughly clean.

(6) The foremilk of each cow shall be separately drawn into a receptacle for immediate visual examination and shall be subsequently discarded in such a manner as to avoid risk of infection.

(7) As soon as possible after milking, the milk of each cow shall be removed to a milk room and pending removal the milk shall be kept in a covered receptacle : provided that—

PAGE

379-

386

- (a) where no milk room is available, the milk may be removed to some other place for the time being approved by the Minister of Agriculture and Fisheries ; or
- (b) where the milk is intended for use in the manufacture of butter, treated cream or cheese on the premises where it is produced, that milk may be removed to a room suitable for that purpose.

It will be noted that milk must be removed to a *milk room* unless the Minister of Agriculture approves of " some other place " as a temporary expedient.

Cleanliness of milkers.—Reg. 22 of the Regulations of 1949, *infra*, requires milkers to keep their person and clothing clean, and the occupier of registered premises to provide proper facilities for milkers to wash and cleanse themselves.

Regulation 22, Milk and Dairies Regulations, 1949.

(1) Every person engaged in the milking of cows or the distribution or measuring of milk or otherwise having access to milk or to churns or other milk receptacles, shall keep his outer clothing and person clean at all times when so engaged.

(2) The occupier of all premises where milk is produced, handled, sold or stored, shall provide thereon facilities for persons mentioned in paragraph (1) of this regulation to wash and cleanse themselves including an adequate supply of soap, clean towels and clean water, both hot and cold : Provided that this paragraph shall not apply in relation to premises where no milk is kept otherwise than in sealed containers.

Cooling, bottling or processing of milk.—The cooling, bottling, sterilising or pasteurising of milk or any other process connected with milk, must not be carried out in a milking house or in any place where the milk or appliances would be liable to contamination arising from any cowshed, stable, manure-heap or otherwise, nor may any appliances connected with any such process be kept in such a place—Regulation 23, Milk and Dairies Regulations, 1949.

Keeping of animals in milking house.—Reg. 24 prohibits the keeping of swine or poultry in any milking house, and the keeping of any animal or poultry in any milk room or room in which milk is processed, handled or stored or in which utensils used in connection therewith are kept, or in any room or shed communicating directly therewith.

Cooling of milk.—Subject to the exceptions listed in Regulation 17, *infra*, every dairy farmer must cool his milk as soon as possible after milking is completed.

PAGE

379-

Regulation 17 (1), Milk and Dairies Regulations, 1949.

386

(1) Every dairy farmer after milking, unless—

- (a) the milk is to be immediately heat-treated or is to be used for the manufacture of butter, cream, cheese or other milk products at the premises where it is produced ; or
- (b) the dairy farmer sells the milk to a consumer who takes delivery of it at or shortly after the time of milking on the day of production, at the premises where it is produced ; or
- (c) the dairy farmer delivers the milk to a distributor, and he, and that distributor, satisfy the Minister of Agriculture and Fisheries that the time between the production of the milk and its receipt by the distributor makes cooling by the dairy farmer unnecessary ; or
- (d) in any other circumstances the said Minister decides to grant exemption for a specified period or otherwise ;

shall, without any delay other than that caused by any process of straining or centrifugalisation to which the milk may be subjected, cause the milk to be cooled either (a) to a temperature not exceeding 50° F., or (b) if the temperature of the water supply available for cooling is 45° F. or above, to a temperature not more than 5° F. above the temperature of that supply.

Cleansing and sterilising of milk utensils.—No person shall use, or cause to be used, for the reception, measurement, storage or delivery of milk, any milk tanker, churn, vessel or other receptacle, the interior surface of which is incapable of being readily cleansed—Regulation 25, Milk and Dairies Regulations, 1949.

Every dairy farmer must comply with the provisions of Regulation 26 of the Regulations of 1949, with respect to the cleansing of milk utensils used by him.

Regulation 26, Milk and Dairies Regulations, 1949.

(1) Every dairy farmer or distributor shall ensure that every vessel (including the lid) used for containing milk shall, immediately before use by him, be in a state of thorough cleanliness, and if he has reason to believe that since last being used for containing milk, any such vessel has not been cleansed in accordance with the provisions of this regulation or has, subsequent to such cleansing been rendered unclean, shall cause the vessel to be cleansed or recleansed as the case may be, and if he is unable so to cleanse or recleanse the vessel he shall not use it for containing milk.

(2) Every dairy farmer or distributor shall cause any appliance used by him for any purpose for which it is brought into contact with milk to be cleansed in accordance with the provisions of this regulation and to be, immediately before use, in a state of thorough cleanliness.

PAGE

379-
386

(3) All vessels and appliances after cleansing shall, when not in use, be stored in a clean place and shall be protected from dust and dirt. Bottle discs and caps shall, before use, be stored in a clean place and be protected from dust and dirt.

(4) Every dairy farmer or distributor on despatching empty after they have contained milk any vessels other than milk tankers and milk bottles shall cause such vessels to be cleansed in accordance with the provisions of this regulation and to be securely closed.

(5) Every distributor on returning empty after it has contained milk any milk tanker shall cause it to be thoroughly rinsed and securely closed before it leaves his registered premises.

(6) For the purpose of cleansing or recleansing any milk tanker, vessel or appliance in accordance with the provisions of this regulation—

- (a) such milk tanker, vessel or appliance shall as soon after use as is practicable be thoroughly rinsed and washed with or without detergents and, before it is used again, shall be scalded with boiling water or steam or otherwise effectively cleansed with an oxidising or preservative agent, approved jointly by the Minister of Agriculture and Fisheries and the Minister of Food ;
- (b) no oxidising or preservative agent, other than one approved as aforesaid shall be used ; and
- (c) if any oxidising or preservative agent or detergent has been used for cleansing any milk tanker, vessel or appliance, the person using such agent or detergent shall remove all trace thereof from such milk tanker, vessel or appliance before it is again brought in to contact with milk.

It will be noted that the Regulations of 1949, make permanent the authority to use an oxidising or preservative agent, granted by the Provisional Regulations of 21st May, 1943. The Regulations permit the use of oxidising or preservative agents approved jointly by the Minister of Agriculture and Fisheries and the Minister of Food. The following products have been approved for use under the Regulations—

<i>Name of Product</i>	<i>Name and address of Manufacturer</i>
" Deosan "	Deosan, Ltd., 345, Gray's Inn Road, London, W.C.1.
" Chloros "	I.C.I. (General Chemicals), Ltd., Cunard Buildings, Liverpool.
" Dairozon "	B. Laporte, Ltd., Luton, Beds.
" Hyposan "	Voxsan, Ltd., 23, Church Street North, West Ham, London, E.15.

PAGE

379-

386

Name of Product	Name and address of Manufacturer
" Delsanex "	Yare Industries, Ltd., Gorleston, Great Yarmouth. (Ministry of Food Circular, M.F. 11/50—27/6/50).
" Clorfect "	Synsap, Ltd., George Street, N. O., Middlesbrough.
" Univpuri Chlorsol "	Universal Purifiers, Ltd., 13, Charterhouse Street, London, E.C.1. (Ministry of Food Circular M.F. 17/50—19/9/50.)
" Duros "	The Ocean Chemical Co., Ltd., 29, Dumont Road, London, N.16.
" Solchlor "	Solwhite Chemical Co., Ltd., Woodland Works, Walton Road, West Molesey, Surrey.
" Gascoigne Red Label "	Gascoignes (Reading), Ltd., Berkeley Avenue, Reading.

At the time of dispatch from the manufacturer's premises the product must have a total available chlorine content of between 9 per cent. and 12 per cent. w/w plus or minus 0.5 per cent., and also comply with certain requirements regarding date of dispatch, manner of storing and the last date of use, which must be inserted on the label. Approved solutions must contain not less than 0.7 per cent. of sodium chlorate to act as a "detector" should sodium hypochlorite solutions obtain access to the milk either through the vessels being improperly washed or otherwise and not more than 2 per cent. w/w free caustic alkali. The Ministry of Agriculture have arranged to take samples of approved hypochlorite solutions and it will not normally be necessary for local authorities to do so, except in specific cases where they consider it desirable to check the strength of the solutions—see Circular M.F. 11/50, Ministry of Food, 27th June, 1950.

Milk utensils.—Every person concerned with the conveyance of milk must comply with the provisions of Regulations 27, 28, 29 and 30 of the Regulations of 1949, *infra*.

Milk and Dairies Regulations, 1949.

27. Every person shall cause every milk tanker, vessel or other receptacle (other than bottles or cartons) in which he despatches milk by rail or road to comply with the following requirements :—

PAGE

379-

386

- (a) the name and address of the consignor of the milk shall be clearly marked on the milk tanker, vessel or other receptacle or on a label properly and securely affixed thereto ; and
- (b) every such milk tanker, vessel or other receptacle shall be provided with a lid without openings, which shall be so constructed and fitted as to prevent the access to the milk of dirt, dust or rain water or the return to the interior of the receptacle of any milk which may have been splashed above the lid.

28. Every person shall cause every milk tanker, vessel or other receptacle used by him for the conveyance or storage of skimmed or separated milk or for containing such milk at any time when it is exposed for sale to be marked with the words " Skimmed Milk " or " Separated Milk " as the case may require, in large and legible letters.

29.—(1) Except in pursuance of any statutory authority in that behalf, no person shall open any vessel or other receptacle containing milk in the course of conveyance or distribution or transfer such milk from one receptacle to another at any place other than registered premises :

Provided that this regulation shall not be deemed to prohibit a dairyman or his agent from opening a vessel or other receptacle containing milk on final delivery on a retail sale, or from transferring milk from a milk tanker to another milk tanker, or, when taking delivery of milk, from opening a milk tanker, vessel or other receptacle containing milk for the purpose of checking the contents thereof or from transferring milk to another receptacle for the purpose of sampling.

(2) Every person shall cause every bottle or carton in which he intends to deliver milk to consumers to be filled and closed on registered premises ; and no person shall remove or tamper with any disc or other device used for closing the bottle at any time after it has left such premises and before it is delivered to the consumer.

30. Every person engaged in the sale, conveyance or distribution of milk shall use all practicable precautions for preventing the milk from being unnecessarily exposed to heat and from being contaminated by dirt, dust, rain water or otherwise, and in particular—

- (a) no such person shall leave or cause to be left any bottles or cartons containing milk on a public highway except upon final delivery on a retail sale ;
- (b) every person who habitually uses any particular place for the deposit of milk to await collection or further conveyance, shall so far as is practicable afford such place protection from the direct rays of the sun.

Milk vehicles.—The interior of every cart, lorry or other vehicle when used for the conveyance of milk must be kept

PAGE

379- clean. No live animal or bird or any article likely to con-
386 taminate the milk may be conveyed in such a vehicle at the same time as the milk and no such vehicle which has been used for the conveyance of offensive matter may be used for the conveyance of milk until that vehicle has been thoroughly cleansed and purified—Reg. 31, Milk and Dairies Regulations, 1949.

Provisions with respect to infectious diseases.—The provisions with regard to infection of milk are contained in Regulations 18, 19 and 20 of the Regulations of 1949, as to which, see *post*, pp. 125 *et seq.* in this Supplement. It should be noted that it is the responsibility of the local authority (see p. 18 in the Main Work) and not the Minister of Agriculture and Fisheries, to enforce these provisions on dairy farms.

No person who is aware that he is suffering from tuberculosis of the respiratory tract may enter any employment or occupation in connection with a dairy which would involve the milking of cows, the treatment of milk or the handling of vessels used for containing milk—see Public Health (Prevention of Tuberculosis) Regulations, 1925 ; S.R. & O. 1925, No. 757. A local authority, may, by notice, prohibit any person from continuing in any such employment as is mentioned above, upon a written report of the medical officer of health that such person is suffering from tuberculosis of the respiratory tract and is in an infectious condition. The notice, which must be in the prescribed form, must state the date, not being less than seven days, on or before which the employment must be discontinued. If the person is aggrieved by the action of the local authority, he may appeal to a court of summary jurisdiction and must notify his intention to do so to the clerk of the authority, stating the grounds thereof. If the person concerned in any such action is not himself in default, he is entitled to compensation for any damage he sustains, payable in accordance with the provisions of the Public Health Act, 1936—sect. 278.

386- **Provisions with respect to Dairymen. Delete the whole**
390 of this section (pp. 386–390) and substitute the following :—

PROVISIONS WITH RESPECT TO DISTRIBUTORS

The expression “ *distributor* ” means a person trading as a dairyman elsewhere than at or from premises in relation

PAGE

386- to which he is registered as a dairy farmer under the
390 Regulations of 1949 ; and “ *dairyman* ” means, *inter alia*,
an occupier of a dairy and a purveyor of milk. “ *Dairy* ”
includes, *inter alia*, any milk store, milk shop, or other
premises from which milk is supplied on or for sale, or in
which milk is kept or used for the purpose of sale or of
manufacture into butter, cheese, dried or condensed milk
for sale, or in which vessels used for the sale of milk are
kept, but does not include a shop from which milk is
supplied only in the properly closed and unopened vessels
in which it is delivered to the shop, or a shop or other place
in which milk is sold for consumption on the premises
only—Reg. 2 (1), Milk and Dairies Regulations, 1949.

Lighting and ventilation of dairies.—The provisions relating to lighting and ventilation of dairies (other than rooms used as cold stores) are similar to those for milking houses—see *ante*, p. 101 in this Supplement.

Water supply.—The provisions are similar to those for milking houses—see *ante*, p. 102 in this Supplement.

Construction of dairies or milk rooms.—The requirements are similar to those in respect of milk rooms at dairy farms—see Reg. 14 of the Regulations of 1949, *ante*, p. 103 in this Supplement.

Cleanliness of milk rooms or dairies.—The interior, furniture and fittings must be cleansed as often as may be necessary to maintain them at all times in a state of thorough cleanliness—Reg. 14 (a), Milk and Dairies Regulations, 1949, *ante*, p. 103 this Supplement.

Prevention of contamination of milk.—The provisions relating to the prevention of contamination or infection of milk are contained in Reg. 21 of the Regulations of 1949, see *ante*, p. 105 in this Supplement.

Cooling of milk.—Every dairy farmer is required to cool his milk immediately after milking unless, *inter alia*, he is able to deliver it to a distributor within a time which, in the opinion of the Minister of Agriculture and Fisheries renders cooling by the dairy farmer unnecessary—see Reg. 17 (1)—*ante*, p. 108 in this Supplement. Every *distributor* who receives milk which has not previously been cooled is required by Reg. 17 (2) *infra*, to cool it to a temperature not exceeding 50° F. or, as a temporary measure for a

Regulation 17 (2), Milk and Dairies R

Every distributor on receiving at 1 which has not been previously cooled temperature not exceeding 50° F. shall milk to be so cooled unless—

- (a) it is received in the containers in it is to be delivered by him to
- (b) it is received in sealed contain broken, it is forwarded to anot
- (c) it is to be heat-treated or used manufacture of butter, cream, ch

Provided that for the period of five ment of these regulations, a local au distributor who immediately before su required under the Milk and Dairies received by him to a temperature no milk, in the circumstances specified temperature not exceeding 5° F. abo water available to him for cooling, in exceeding 50° F. and this paragraph sh so authorised accordingly.

Cooling, bottling and processing
bottling, sterilising or pasteurising process connected with milk, must milking house or in any place where to contamination arising from any c heap or otherwise, nor may applian be kept in such a place—Reg. 23, lations, 1949.

Cleansing and sterilising of milk
relating to the cleansing of milk ut similar to those for dairy farmers— in this Supplement.

Milk churns.—A distributor ma be used, for the reception, measure of milk, any milk tanker, churn, ve the interior surface of which is inc cleansed—Reg. 25, Milk and Dairie

at equally distributors—see *ante*, p. 111

is an offence to fill or open milk bottles
at dairy premises—Reg. 29, Milk and
, 1949.

the provisions relating to the conveyance
contained in Reg. 31 of the Regulations
distributors as well as to dairy farmers—
this Supplement.

kept in a dairy.—It is an offence to
keep poultry in any milk room or room in
which milk is processed, handled or stored or in which
milk is connected therewith are kept, or in any
communicating directly therewith—Reg.
Milk and Dairies Regulations, 1949.

with respect to infectious diseases.—The powers
of local authorities and their medical officers of health with
reference to diseases occurring amongst persons
concerned with milk, are contained in Regulations 18,
Milk and Dairies Regulations of 1949—see *post*, p. 125 *et seq.*

from a stall, etc., in a street or other place of
any person who, himself or by his servant,
in any place of public resort, sells or offers or
exposes for sale milk from a stall, or from a cart, barrow
or from a vessel used without a stall or
without his name and address legibly and con-
spicuously marked on the stall, vehicle or vessel as the
case may be, or who fails to do so renders the person concerned
liable to a fine not exceeding two pounds—Reg. 32, Milk
and Dairies Regulations, 1949.

*Provisions of Milk and Dairies Regulations,
for attention by local authorities.*—The
following summarises the provisions of the Regula-
tions which call for attention by local authorities

PAGE

386-

390

Regulation	Details	Reference to this Supp.
4	Distributor to take all practicable steps to make the provisions of the Regulations known to all persons working on registered premises.	84
8 (1)	Keep register of persons carrying on the trade of <i>distributor</i> , and of premises used as <i>dairies</i> , not being part of a registered dairy farm.	98
11 (1)	Milk room or building not to be used for the handling, processing or storage of milk, which is so situated as to lead to the risk of contamination of the milk.	102-113
11 (2)	Milk room or building (other than a cold store) to be provided with a sufficient number of windows to secure adequate ventilation.	102-113
11 (3)	Milk room or building to be provided with adequate number of windows <i>or</i> such means of artificial lighting as are necessary to enable any processes connected with milk to be conducted in a good and proper light.	102-113
12 (1)	All registered premises to be provided with an adequate and suitable supply of water for the requirements of the regulations.	103-113
14	Milk room or building in which milk is handled, processed or stored, or is kept for the purpose of sale or manufacture into butter, cream, cheese, dried milk or condensed milk, must be kept in a state of thorough cleanliness, and, except in the case of a building in which milk is solely or mainly dealt with by way of retail sale, the floor must be of impervious material, so sloped as to convey liquid matter to a suitable and properly trapped drain, the walls liable to splashing by milk or otherwise to be smooth and impervious, and the floor and walls to be cleansed with water at least once every day.	105-113

PAGE
386-
390

Regulation	Details	Reference to this Supp.
17 (2)	Every distributor on receiving milk which has not previously been cooled, must, without delay, cause the milk to be cooled, subject to certain exceptions.	114
18	Information regarding cases of notifiable disease to be given to and by the medical officer of health.	125
19	Medical officer of health authorised to examine certain persons employed in the handling, etc. of milk ; power to prohibit the employment of such persons in work involving the handling or contact with milk.	127
20	Power of medical officer of health to prohibit the sale of milk for human consumption in certain circumstances.	126
21	General provisions for the purpose of preventing contamination or infection of milk.	105-113 *
22 (1)	Persons engaged in the distribution or measuring of milk or otherwise having access to milk or to churns or other milk receptacles, must keep their outer clothing and person clean at all times when so engaged.	107
22 (2)	Occupier of registered premises must provide proper washing facilities, including a supply of soap, clean towels and clean water, both hot and cold.	107
23	Cooling, bottling, sterilising or pasteurising of milk must not be carried out in any place where the milk or appliances would be liable to contamination arising from any cowshed, stable, manure-heap or otherwise.	107-114
24 (2)	No animal or poultry may be kept in any milk room, or room in which milk is processed, handled or stored, or in which utensils used in connection therewith are kept, or in any room or shed communicating directly therewith.	107-115

Regulation	Details	Reference to this Supp.
25	Any milk tanker, churn, vessel or other receptacle must not be used for the reception, storage or delivery of milk if the interior surface is incapable of being readily cleansed.	114
26 (1) (2)	Every distributor must cause every vessel, utensil, etc. used by him which comes into contact with milk, to be thoroughly cleansed before use in accordance with the procedure laid down in Reg. 26 (6).	108-114
26 (3)	All vessels and appliances, when not in use, must be protected from dust and dirt.	109-114
27	Every milk tanker, vessel or other receptacle used for the despatch of milk by road or rail to have the name and address of the consignor clearly marked on it, or on a label attached to it ; and the tanker, etc. must be provided with a lid without openings, constructed so as to prevent the access to the milk of dirt, dust or rain water.	110-114
28	Every milk tanker, vessel or other receptacle used for the conveyance or storage of skimmed or separated milk, or for containing such milk when exposed for sale, to be marked with the words " skimmed milk " or " separated milk " as the case may require.	111-114
29 (1)	Vessels or other receptacles containing milk must not be opened except on registered premises, otherwise than in pursuance of any statutory authority.	111-115
29 (2)	Every milk bottle or carton must be filled and closed on registered premises.	111-115
30	Precautions must be taken for preventing milk from being unnecessarily exposed to heat and from being contaminated by dirt, dust, rain water or otherwise, during sale, conveyance or distribution.	111-114

PAGE
386-
390

Regulation	Details	Reference to this Supp.
31	The interior of every vehicle used for the conveyance of milk must be kept clean. No live animal or bird or any article likely to contaminate milk may be conveyed in a vehicle at the same time as milk. If used for the conveyance of offensive matter, the vehicle must be thoroughly cleansed and purified before being used for the conveyance of milk.	112-115
32	The name and address of every person selling or exposing for sale, milk in a street or other place of public resort, must be legibly and conspicuously displayed on the stall, vehicle or vessel.	115

390 Sampling and Testing of Milk.—Regulation 34 of the Regulations of 1949, authorises an officer of the Ministry of Agriculture and Fisheries to enter premises and take samples, in accordance with the provisions of sections 77 and 68 (4) respectively of the Act of 1938—

Regulation 34, Milk and Dairies Regulations, 1949.

For the purpose of ascertaining whether there is or has been on or in connection with any premises any contravention of the provisions of these regulations relating to dairy farms or dairy farmers and generally for the purpose of the execution or enforcement of such regulations—

- (a) the provisions of section 77 of the Food and Drugs Act, 1938, relating to power to enter premises shall apply in relation to the Minister of Agriculture and Fisheries and to any officer authorised by him as they apply in relation to a council and to any authorised officer of a council ; and
- (b) the provisions of section 68 (4) of the Food and Drugs Act, 1938 (which authorise certain persons to take samples of milk) shall apply to an officer duly authorised in that behalf by the Minister of Agriculture and Fisheries as they apply to an inspector of the Minister of Food.

Milk depots.—Milk depots may be established by a local authority outside London which is not a local health

PAGE

390 authority for the purposes of Part III of the National Health Service Act, 1946, with the approval of the Minister of Health—see section 11 of the Act of 1950.

391- National Milk Testing and Advisory Service.—This
396 service came to an end on 1st October, 1949, the date when the Minister of Agriculture and Fisheries assumed responsibility for the control of milk production on dairy farms. Consequently, the notes on pages 391 to 396 no longer apply.

399 Section 25, Food and Drugs Act, 1938.—This section has now been repealed and replaced by section 8 of the Act of 1950, *infra*.

Section 8, Food and Drugs (Milk, Dairies and Artificial Cream) Act, 1950—Prohibition of sale of tuberculous milk, and milk of cows suffering from tuberculosis, etc.

(1) No person shall—

(a) sell, or offer or expose for sale, for human consumption ;
 or

(b) use in the manufacture of products for sale for human consumption,

the milk of any cow which to his knowledge has given tuberculous milk, or is suffering from emaciation due to tuberculosis, or from tuberculosis of the udder or any other disease of cows to which this section applies.

(2) In proceedings under this section, the defendant shall be deemed to have known that a cow had given tuberculous milk, or was so suffering as aforesaid, if he could with ordinary care have ascertained the fact.

(3) A person who contravenes any of the provisions of this section shall be guilty of an offence.

(4) The diseases of cows to which this section applies are those specified in the Second Schedule to this Act and any other disease to which the provisions of this section are extended by Milk and Dairies Regulations.

(5) It shall be the duty of the council of every county and county borough to enforce the provisions of this section.

400 Line 17 and footnote (ii).—See now the Act of 1950, Schedule 2.

Line 21.—See section 1 of the Act of 1950, *ante*, p. 83, which has replaced section 20 of the Act of 1938.

402 After subsection (5) add the following new material :

Heat Treatment of Ice-cream.—With a view to the reduction in the risk of infection from the consumption of ice-

PAGE

402 cream, the Minister of Health issued draft Regulations for the heat treatment of ice-cream in 1946 (8th October, 1946—see Ministry of Health Circular 183/46), which were followed by the Ice-Cream (Heat Treatment, etc.) Regulations, 1947—S.R. & O. 1947, No. 612 ; subsequently amended by the Ice-cream (Heat Treatment, etc.) Amendment Regulations, 1948 ; S.I. 1948, No. 819 ; and the Ice Cream (Heat Treatment, etc.) Amendment Regulations, 1951 ; S.I. 1951, No. 67—which came into operation on 1st May, 1947 (except the provisions of Regulation 3 (b) (iv), which became operative on 1st March, 1951), the provisions of which are as follows—

Manufacture of ice-cream.—The following requirements must be observed in the manufacture of ice-cream intended for sale for human consumption—

- (a) Where a complete cold mix is used which is re-constituted with wholesome drinking water and to which nothing is added other than colouring or flavouring materials, fruit, nuts, chocolate or other similar substances, the reconstituted product shall be converted into ice-cream within one hour of reconstitution.
- (b) In any other case, after the ingredients have been mixed together the following provisions shall apply :—

- (i) the mixture shall not be kept for more than one hour at any temperature which exceeds 45° F. before being subjected to heat treatment in accordance with the next following sub-paragraph ;
- (ii) the mixture shall be subjected to heat treatment as follows—

It shall be raised to and kept at a temperature of not less than 150° F. for thirty minutes or alternatively of not less than 160° F. for ten minutes ;

- (iii) after the mixture has been subjected to heat treatment as aforesaid it shall be reduced to a temperature of not more than 45° F. within 1½ hours and shall be kept at such a temperature until the freezing process is begun ;
- (iv) such indicating and recording thermometers shall be used as the local authority considers requisite for indicating and recording the temperatures to or at which the mixture* is raised, kept or reduced ;
- (v) the records of any thermometers used to record the temperatures to or at which the mixture* is raised, kept or reduced shall be preserved for a period of not less than one month ;
- (vi) all apparatus used for the purposes of this paragraph shall be installed, maintained and operated to the satisfaction of the local authority—Reg. 3.

* The word " mixture " replaced the words " ice-cream " in 1948—see Ice-cream (Heat Treatment, etc.) Amendment Regulations, 1948 ; S.I. 1948, No. 819.

PAGE

402 It should be noted that the provisions of Regulation 3 (b) (iv), *supra*, relating to thermometers, came into operation on 1st March, 1951—see Ice-Cream (Heat Treatment, etc) Amendment Regulations, 1951—S.I. 1951, No. 67. The interval between 1947 and 1951, was allowed in order to enable the necessary supplies of thermometers to be manufactured.

The Ministry of Health suggest, for the guidance of local authorities, that the following number and kind of thermometers should be installed, to satisfy the requirements of Reg. 3 (b) (iv) :—

(a) The number and kind of thermometers necessary to be installed for the purpose of regulation 3 (b) (iv) of the Ice Cream (Heat Treatment, etc.) Regulations, 1947, will depend, *inter alia*, on the type of plant used and the general conditions of manufacture obtaining at each particular ice cream premises, but the following paragraphs (b) and (c) may in his view be regarded as representing the minimum requirements of the regulations.

(b) The apparatus in which the ice cream mix is heat treated should in every case be fitted with an indicating thermometer and with a thermometer which will record the temperature to which the mix is heated and the period of time it is held at that temperature.

(c) The regulations require that subsequent to heat treatment, the ice cream mix be reduced to a temperature of not more than 45° F. within 1½ hours of heating and be kept at such temperature until the freezing process is begun. For these purposes the use of a reliable indicating thermometer is essential, and where the cooled mix is stored for an appreciable period of time before freezing commences, the authority will need to consider whether, in the particular circumstances, the installation of a thermometer which will record the temperature of the mix during the period of storage, is also desirable.

(d) The Minister is advised that wherever a recording thermometer is installed, it should be used in conjunction with, and regularly checked against, an indicating thermometer. Both indicating and recording thermometers should be of reliable manufacture and checked periodically against a thermometer certified by the National Physical Laboratory.

(See Ministry of Health Circular 8/51—24/1/51.)

It is also important that thermometers should be so sited and fitted as to secure that the thermometers register the temperatures to which the ice-cream mixtures have been raised. Such thermometers should be placed so as to be easily seen by the operator. It is also considered desirable that officers of local authorities should be supplied with a

PAGE

402 thermometer certified by the National Physical Laboratory for use in checking the accuracy of thermometers on ice-cream plant.

It should be noted that the retention of thermometer records applied in all cases even before the provision of such thermometers was compulsory—Ministry of Health Circular 69/47, para. 5—10th April, 1947.

The expression "*ice-cream*" includes water ices and any article, under whatever description it is sold, which is so similar to ice-cream as to constitute a substitute therefor ; "*ingredients*" includes sugar, and dried egg, but does not include colouring or flavouring materials or fruit, nuts, chocolate and other similar substances (as to the chemical composition of ice-cream, see Food Standards (Ice Cream) Order, 1951 ; S.I. 1951, No. 13, *ante*, p. 49 in this Supplement) ; "*complete cold mix*" means a product which is capable of manufacture into ice-cream with the addition of water only, is sent out by the manufacturer in air-tight containers, and has been made by evaporating a liquid mixture which has already been submitted to heat treatment comparable with that prescribed in the Regulations of 1947—Reg. 2.

It should be noted that the expression "*complete cold mix*" does *not* include those preparations which require the addition of sugar or some other ingredient.

The requirements contained in Regulation 3, *supra*, apply *in every case* where ice-cream is manufactured for sale for human consumption, irrespective of whether the provisions of section 14 of the Act of 1938 (see p. 468 in the Main Work) relating to the registration of premises used for the manufacture or sale of ice-cream, apply or not. Consequently, the Regulations of 1947, apply to ice-cream, *sold* at clubs, hotels, inns or restaurants, even though those premises need not be registered under section 14 of the Act of 1938.

Sale of ice-cream.—Ice-cream may not be sold or offered for sale unless either—

- (a) it has been kept at a temperature not exceeding 28° F. since it was frozen ; or
- (b) if its temperature has risen above 28° F. at any time since it was frozen, it has again been subjected to the treatment prescribed by sub-paragraphs (i), (ii) and (iii) of Regulation 3 (b) *supra* and, after having again been frozen, has been kept at a temperature not exceeding 28° F.—Reg. 4.

PAGE

402 *Protection of ice-cream.*—Ice-cream must be protected from dirt, dust, or other contamination at all times during its manufacture, storage and distribution and all apparatus and utensils brought into contact with ice-cream during its manufacture, storage or distribution must be thoroughly cleansed immediately after use and must be kept clean at all times—Reg. 5.

Offences.—Failure to comply with the provisions of the Regulations of 1947 renders the person concerned liable to a fine not exceeding £20 in the case of a first offence, and a fine not exceeding £100 or to imprisonment for a term not exceeding three months, or to both fine and imprisonment, in the case of a subsequent offence—Reg. 6.

Bacteriological control.—In spite of many requests made to the Ministry of Health, it is considered that there is yet no test which is sufficiently reliable to justify its use as a statutory bacteriological test for ice-cream, non-compliance with which would constitute an offence.

A form of methylene blue reduction test has been devised, however, which is now being used experimentally throughout the country, full details of which were published in the Monthly Bulletin of the Ministry of Health and the Public Health Laboratory Service, March, 1947, p. 60.

The results of experimental testing showed that the methylene blue reduction test afforded a good index of the degree of presumably excretal contamination of ice-cream and four grades have been defined as follows :—

Grade 1.—Time taken to reduce methylene blue, $4\frac{1}{2}$ hours or more ;

Grade 2.—Time taken to reduce methylene blue, $2\frac{1}{2}$ to $4\frac{1}{2}$ hours ;

Grade 3.—Time taken to reduce methylene blue, $\frac{1}{2}$ to 2 hours ; and

Grade 4.—Time taken to reduce methylene blue, 0 hours (i.e., reduction at the end of the pre-incubation period).

It has been recommended by the Ministry of Health (see Circular 69/47, para. 7—10th April, 1947) that if, out of the four grades recommended, ice-cream consistently fails to reach grades one and two, it would be reasonable to regard this as indicating defects of manufacture or of handling which call for further investigation.

Line 45.—In arbitrations under the Act of 1938, where there is a disagreement as to the appointment of an arbitrator, such appointment must now be made by the Minister of Food and not the Minister of Health—1948 Order, art. 6 (1) (g).

PAGE

403 Subsection (3).—Notice of the passing or revocation of a resolution under section 16 of the Act of 1938, must now be given to the Minister of Food and not the Minister of Health—1948 Order, art. 6 (1) (a).

Line 35.—See section 1 of the Act of 1950, *ante*, p. 83, which has replaced section 20 of the Act of 1938.

Line 44.—See now Reg. 21 of the Regulations of 1949, *ante*, p. 105, which has replaced Article 14 of the Milk and Dairies Order, 1926.

404 Line 9.—See now Reg. 18, Milk and Dairies Regulations, 1949, *infra*, which has replaced Article 17 of the Milk and Dairies Order, 1926.

Regulation 18, Milk and Dairies Regulations, 1949.

(1) Every person having access to milk or to churns or other milk receptacles in or about any registered premises as soon as he becomes aware that he or any other member of his household is suffering from any notifiable disease shall notify the occupier of such premises of the fact and the occupier shall forthwith notify the medical officer of health of the district in which the premises are situated.

(2) Where the medical officer of health of a district becomes aware that any person having access to milk, or to churns or to other milk receptacles in or about any registered premises is suffering from or has recently been in contact with a person suffering from any disease liable to cause infection of milk, he shall forthwith notify the occupier of such premises of the fact, and where such medical officer of health is not the medical officer of health of the district in which the premises are situated he shall also notify the medical officer of health of that district.

It will be noted that Regulation 18 (1) *supra*, refers to "any notifiable disease", whereas the repealed Article 17 of the Milk and Dairies Order, 1926, referred to "infectious disease". The term "notifiable disease" means dysentery, gastro-entritis and, in relation to London, a disease notifiable under the Public Health (London) Act, 1936 and, in relation to any area outside London, a disease notifiable under the Public Health Act, 1936—Regulation 2 (1), Regulations of 1949. The diseases notifiable to the medical officer of health under the Public Health Act, 1936, are listed on p. 404 of the Main Work.

405 Line 9.—Article 18 of the Milk and Dairies Order, 1926, has been repealed and replaced by Regulation 20 of the Regulations of 1949, *infra*.

Regulation 20, Milk and Dairies Regulations, 1949.

(1) Where the medical officer of health of a district is in possession of evidence which satisfies him that any person is suffering from disease caused by the consumption of milk supplied within the district from any registered premises or that the milk at any registered premises within the district is infected with disease communicable to man, he may by a notice in writing to the occupier of the premises, specifying such evidence, require that no milk from those premises, or that no such milk therefrom as is specified, whether by reference to its category or place of origin, or both, in the notice, shall—

- (a) if the premises are within the district, be sold for human consumption, or used in the manufacture of products for human consumption ; or
- (b) if the premises are without the district, be sold for human consumption within the district ; or
- (c) in case (a) above be sold or used, or in case (b) above be so sold, unless it has been treated, or, in the case of a sale, is sold subject to its being treated before consumption, in such a way as to secure to the satisfaction of the medical officer of health that it may, with safety, be so disposed of.

(2) Where the medical officer of health of a district, without being in possession of such evidence as aforesaid, has reasonable grounds for suspecting that any person is so suffering, or that any milk is so infected, as aforesaid, he may, by such notice as aforesaid, specifying the grounds of his suspicion, make such of the requirements specified in sub-paragraph (c) of the last preceding paragraph as are appropriate in the circumstances of the case.

(3) Any such notice shall,—

- (a) if it is served in respect of milk infected or suspected of being infected with a notifiable disease, operate for such period not exceeding twenty-four hours from the receipt of the notice, as may be specified therein, but may be renewed for a further period or periods of twenty-four hours, and
- (b) in any other case, operate until it is withdrawn, and
- (c) in any case, be withdrawn forthwith upon the medical officer of health by whom it was served being satisfied that the milk in respect of which it was served is no longer likely to cause disease through infection.

(4) Where a medical officer of health of a district serves any notice under this regulation, he shall forthwith send a copy thereof to the Minister of Food, and where the notice is served in respect of milk obtained from registered premises without the district he shall also send forthwith a copy thereof to the medical officer of health of the district within which the premises are situated.

(5) No person shall sell or use milk contrary to the terms of a notice given by a medical officer of health under this regulation.

(6) Where any person sustains any damage or loss by reason of a notice served under this regulation he shall be entitled to compensation from the local authority whose medical officer of health issued the notice—

PAGE

405

- (a) unless, in the case of a notice served under paragraph (1) of this regulation, disease was in fact caused by the consumption of milk supplied from the premises to the occupier of which the notice was addressed or, as the case may be, milk at those premises was infected with disease communicable to man ; or
- (b) unless, in the case of a notice served under paragraph (2) of this regulation, there were in fact reasonable grounds for the medical officer of health's suspicion ; or
- (c) if in any case, the notice was not withdrawn or suffered to lapse as soon as the circumstances required :

Provided that in the case of a notice served upon a dairy farmer in respect of a person suffering or suspected to be suffering from a bovine disease or of milk infected or suspected to be infected with a bovine infection, compensation shall be payable notwithstanding anything contained in sub-paragraph (a) or (b) of this paragraph if the authority is satisfied or, in the case of a dispute, it is determined that there were no grounds upon which the dairy farmer could reasonably have suspected, when the sample of the milk was taken on the test of which the service of the notice was based, or, where no such sample was taken, when the notice was served, that any cow in the herd at the premises concerned was in a condition likely to cause its milk to be infected with a bovine infection.

(7) For the purposes of the proviso to the last preceding paragraph, a bovine disease means tuberculosis, undulant fever, Malta fever, salmonellosis, being in each case of bovine origin, or any other disease as may from time to time be determined by the Minister of Health and the Minister of Agriculture and Fisheries with the consent of the Treasury, and a bovine infection means *Mycobacterium tuberculosis*, *Brucella abortus*, *Brucella melitensis*, the salmonella group of organisms, being in each case of bovine origin, or any other infection as may from time to time be determined by the Minister of Health and the Minister of Agriculture and Fisheries with the consent of the Treasury.

(8) The Minister of Health shall repay to any local authority three-quarters of any sums paid by that authority by way of compensation by virtue of the proviso to paragraph (6) of this regulation.

(9) Any dispute as to compensation arising under paragraph (6) of this regulation shall be determined, and any compensation awarded thereunder shall be recoverable, in like manner as if the dispute had arisen or the award had been made under the Food and Drugs Act, 1938, and section 86 of that Act shall apply accordingly.

406 Article 19, Milk and Dairies Order, 1926.—This has been repealed and replaced by Regulation 19 of the Regulations of 1949, *infra*.

Regulation 19, Milk and Dairies Regulations, 1949.

(1) Where the medical officer of health of a district has cause to suspect that any of the persons in or about any registered

PAGE

406

premises who have access to the milk or to the churns or other milk receptacles is suffering from or has recently been in contact with a person suffering from a disease liable to cause infection of milk or is in such a condition that there is a danger of his causing the milk to become infected, he may give notice to the occupier of such premises that he considers it necessary to make an examination of any or all of such persons ; and where he gives such notice the said occupier and every person concerned shall give to the medical officer of health all reasonable facilities for making such examination.

(2) Where from the result of such examination or otherwise the medical officer of health is of opinion that the employment of any such person is likely to lead to the spread of any disease, he may give notice in writing to that effect to the occupier of the registered premises and to the person concerned specifying the disease in question and requiring that, during a period to be specified in such notice, the person to whom the notice relates shall not milk cows or handle vessels used for containing milk or in any way take part in the production, processing, distribution or storage of milk.

(3) A person to whom a notice under the last preceding paragraph relates and any person regarding whom the occupier of the registered premises has received notification, either from the person himself or from the medical officer of health in accordance with Regulation 18 shall not, and no dairyman shall knowingly allow any such person to milk cows or handle vessels used for containing milk or in any way take part in the production, processing, distribution or storage of milk until the expiry of the period mentioned in the notice, or, as the case may be, until all danger of communication of disease by means of the milk has ceased.

The Ministry of Health have issued Circular 87/49 (7th September, 1949) giving guidance to local authorities on the use of the powers contained in Regulations 18 to 20, *supra*. It will be noted that in Regulation 20 a distinction has been made between instances in which a medical officer of health (a) has evidence which satisfies him, and (b) has reasonable grounds for suspecting, that a person is suffering from a disease thus caused, or that milk is infected with such disease. In case (a), notice may be given, either stopping the sale, etc. of the milk for human consumption, or making sale conditional upon the milk being so treated as to satisfy the medical officer of health that it may safely be used. In case (b), however, the notice may only provide for the latter alternative. A notice in respect of notifiable disease will operate for a period not exceeding 24 hours but in any other case it will operate until it is withdrawn. A copy of any notice served under Regulation

PAGE

406 20, *supra* must be sent to the Ministry of Food and the Minister has intimated that these should be sent to the Area Milk Officer for the District (for addresses of the Area Milk Officers of the Ministry of Food, see *post*, p. 197 in this Supplement).

The suggestions for the guidance of local authorities, made by the Ministry of Health are as follows :—

(i) Where the evidence or grounds of suspicion specified in the notices relate to diseases of bovine origin, notices under Regulation 20 should not, in his opinion, normally be served in respect of milk which it is known will in any case be subjected to adequate heat-treatment and thereby made safe, before sale to the consumer.

(ii) Subject to (i) above, where raw milk sold by a dairy farmer is suspected of being infected with the organisms of tuberculosis, the Divisional Veterinary Inspector of the Ministry of Agriculture and Fisheries should always be consulted before any notice is served. The addresses of the Divisional Veterinary Inspectors are given on p. 130 in this Supplement.

(iii) As regards the application of Regulation 20 (2) to milk suspected to be infected with the organisms of tuberculosis, some weeks must elapse, as the Authority will be aware, before the result of a biological examination of a sample of milk for the presence of these organisms can be known. In these circumstances an adverse report could, in the Minister's opinion, only properly be regarded as "reasonable grounds for suspicion" that the current milk is infected if no change is known to the Divisional Veterinary Inspector to have occurred in the circumstances of the herd, e.g. by the removal of an infected animal since the taking of the sample.

(iv) Where the milk in question is that of several producers which has been received *already bulked*, it is suggested that a notice should not be served unless adverse reports have been received on the biological examination of two or more consecutive samples taken within the course of a few days.

(v) The Minister is advised that the results of the whey agglutination test would not be sufficient by themselves to justify a notice under Regulation 20.

(vi) A further memorandum, dealing with the veterinary aspects of the Regulation will be sent to Authorities as soon as possible. In the meantime, the Minister desires to stress, in cases of bovine infection in the milk of single herds, the need for co-operation with the Divisional Inspectors of the Ministry of Agriculture and Fisheries and also for co-operation between the Medical Officers of County Districts and the relevant County Medical Officer of Health, both because of the responsibility of County Councils in relation to Section 25 of the Food and Drugs Act, 1938, and the desirability of avoiding duplication of sampling milk for biological examination.

Where heat treatment is specified in a notice, it may be necessary for the milk from a dairy to be redirected by the Ministry of Food to another destination in order to carry

PAGE

406 out such treatment. For this reason it is necessary for the medical officer of health to communicate at once, preferably by telephone, with the Area Milk Officer, in addition to sending him a copy of the notice, so that the necessary arrangements may be made to prevent or reduce the loss of milk. The responsibility, however, for complying with the notice rests with the dairyman on whom it is served.

The compensation provisions provide for the payment of compensation to a dairy farmer for any damage or loss sustained by reason of a notice served upon him in relation to milk infected with a "bovine infection", unless the dairy farmer could reasonably have suspected that any cow in the herd was in a condition likely to cause its milk to be so infected. Compensation is payable if the milk is infected as above or the medical officer of health had reasonable grounds for suspicion. In these circumstances, 75 per cent. of any compensation is repayable by the Minister of Health. To facilitate repayment of compensation, care should be taken to follow the procedure laid down in paragraph (iii), *supra*. The following list shows the addresses of the Divisional Veterinary Inspectors of the Animal Health Division of the Ministry of Agriculture and Fisheries :—

MINISTRY OF AGRICULTURE AND FISHERIES

List of Divisional Inspectors of the Animal Health Division in England and Wales

County	Address The Divisional Inspector, Ministry of Agriculture and Fisheries	Telephone No.
<i>England</i>		
Bedford ...	Broadway House, St. Peters, Bedford.	Bedford 4297
Berks. ...	46a, West Street, Reading ...	Reading 5034- 5035
Buckingham ...	69, High Street, Aylesbury ...	Aylesbury 179
Cambridge ...	Norwich Union Buildings, St. Andrews Street, Cambridge	Cambridge 2382
Isle of Ely ...	Norwich Union Buildings, St. Andrews Street, Cambridge	" "
Chester ...	Old Government House, Dee Hills Park, Chester.	Chester 3574- 3575
Cornwall ...	4, Bridge Chambers, Truro ...	Truro 2757-3038
Cumberland ...	Bitts Park, Carlisle ...	Carlisle 1612- 1613
Derby ...	217, Burton Road, Derby ...	Derby 3570
Devon ...	Fonthill, Matford Lane, Exeter	Exeter 2206- 2207

PAGE
406

County	Address The Divisional Inspector, Ministry of Agriculture and Fisheries	Telephone No.
Dorset ...	The Greaves, Icen Way, Dorchester.	Dorchester 452
Durham ...	South View, Nevilles Cross, Durham.	Durham 899
Essex ...	Temporary Office Buildings, Beeches Road, Chelmsford.	Chelmsford 3632
Gloucester ...	Elmbridge Court, Gloucester	Gloucester 22838
Hereford ...	Castle Pool Annexe, Castle Street, Hereford.	Hereford 3215
Hertford ...	79, Ware Road, Hertford ...	Hertford 2919
Huntingdon ...	Queen Street Chambers, Peterborough.	Peterborough 3051
Kent ...	Len House, Mill Street, Maidstone.	Maidstone 4168
Lancaster ...	26, Winckley Square, Preston	Preston 3844-3845
Leicester ...	10, Salisbury Road, Leicester	Leicester 20591
Lincoln—		
(Holland) ...	43, Boston Road, Sleaford ...	Sleaford 317
(Kesteven)		
(Lindsey)	34, Orchard Street, Lincoln...	Lincoln 1971
London ...	79, Ware Road, Hertford ...	Hertford 2919
Middlesex ...		
Norfolk ...	15, "Thorpe Road", Norwich ...	Norwich 23974
Northampton ...	48-50, St. Giles Street, Northampton.	Northampton 3506
Soke of	Queen Street Chambers, Peterborough.	Peterborough 3051
Peterborough		
Northumberland	Government Buildings, Ponteland Rd., Newcastle-on-Tyne.	Gosforth 53708
Nottingham ...	Government Buildings, Block 7, Chalfont Drive, Nottingham.	Nottingham 76043 Ext. 752 and 77711 Ext. 752.
Oxford ...	19, Beaumont Street, Oxford	Oxford 47368
Rutland ...	Queen Street Chambers, Peterborough.	Peterborough 3051
Shropshire ...	68, Abbey Fore Gate, Shrewsbury.	Shrewsbury 3713
Somerset ...	4, Hammett Street, Taunton	Taunton 3894
Southampton ...	45, Southgate Street, Winchester.	Winchester 3069
Isle of Wight	122, St. James Street, Newport, Isle of Wight.	Newport (Wight) 2601
Stafford ...	186, Sandon Road, Stafford	Stafford 1476-1477
Suffolk East ...	18, Museum Street, Ipswich	Ipswich 2471
Suffolk West ...	118, Northgate Street, Bury St. Edmunds.	Bury St. Edmunds 323
Surrey ...	19, Upper Brighton Road, Surbiton.	Elmbridge 7392

County	Address The Divisional Inspector, Ministry of Agriculture and Fisheries	Telephone No.
Sussex East ...	203, High Street, Lewes ...	Lewes 927
Sussex West ...	44, East Street, Chichester ...	Chichester 3357
Warwick ...	9, Newbold Terrace, Leaming- ton Spa	Leamington Spa, 1996
Westmorland ...	12-14, Stricklandgate, Kendal	Kendal 1142- 1143
Wilts ...	Pioneer Buildings, Wicker Hill, Trowbridge.	Trowbridge 2258
Worcester ...	53-55, High Street, Worcester	Worcester 3102
York E.R. ...	74, Lairgate, Beverley ...	Beverley 278
York N.R. ...	Zetland Street, Northallerton	Northallerton 291
York W.R. ...	1, Eastmoor Road, Wakefield	Wakefield 2761
<i>Wales</i>		
Anglesey ...	Mona Buildings, Church St., Llangefni.	Llangefni 100
Brecon ...	Y.M.C.A. Buildings, St. Mary Street, Brecon.	Brecon 254
Caernarvon ...	Ucheldre, St. David's Road, Caernarvon.	Caernarvon 295
Cardigan ...	30, Pier Street, Aberystwyth	Aberystwyth 693
Carmarthen ...	Lyric Buildings, King Street, Carmarthen.	Carmarthen 7453 -7454
Denbigh ...	3c, Clwyd Street, Ruthin ...	Ruthin 228
Flint ...	Savoy Buildings, Chester Street, Mold.	Mold 230
Glamorgan ...	County Court Buildings, Wyndham Street, Bridgend	Bridgend 71
Merioneth ...	1, South Avenue, Barmouth	Barmouth 17
Monmouth ...	9, Fields Road, Newport, Monmouth.	Newport 5380
Montgomery ...	The Armoury, Welshpool ...	Welshpool 155
Pembroke ...	17, Victoria Place, Haverford- west.	Haverfordwest 316
Radnor ...	Belgrave House, Spa Road, Llandrindod Wells.	Llandrindod Wells 2001

407 **Line 25.**—The powers enabling a local authority to refuse or cancel the registration of a dairyman are now contained in section 2 and Part I of the First Schedule to the Act of 1950.

408 **Footnote (a).**—For “ sect. 268 ” read “ sect. 278 ”.

411 **Milk (Special Designations) (Amendment) Regulations.**—Further amending Regulations were issued in 1948—Milk (Special Designations) (Amendment) Regulations, 1948 ; S.I. 1948, No. 1117.

PAGE

411 Regulation 55G, Defence (General) Regulations, 1939.

—Revoked by section 7, Milk (Special Designations) Act, 1949. The provisions relating to the specification of areas in which milk may be sold only under prescribed designations, are now contained in the Act of 1950.

Power to make Regulations relating to designated milk.—This power is now exercised jointly by the Minister of Health and the Minister of Food, except in relation to raw milk, and by those Ministers and the Minister of Agriculture and Fisheries in relation to raw milk—Section 15, Act of 1950.

The Milk (Special Designations) Regulations were further amended in 1948 (see *supra*).

Section 20 of the Act of 1938 has been repealed and replaced by section 1 of the Act of 1950, *ante*, p. 83.

Section 21 of the Act of 1938, has also been repealed and the matters which can be dealt with in regulations relating to special designations are now contained in section 13 of the Act of 1950, *infra*.

Section 13, Food and Drugs (Milk, Dairies and Artificial Cream) Act, 1950—Prescribing of special designations, licences to use them and authorised use.

(1) Provision may be made by regulations under this Part of this Act, to be called "Milk (Special Designation) Regulations"—

- (a) for prescribing, in relation to milk of any description, such designation (hereinafter referred to as a "special designation") as the Ministers making the regulations consider appropriate : and
- (b) for the granting of licences to producers and sellers of milk authorising the use of a special designation, and for prescribing the periods for which and the conditions subject to which licences or licences of any particular class are to be granted under the regulations.

(2) No person shall for the purpose of the sale or advertisement of any milk use a special designation in any manner calculated to suggest that it refers to that milk, unless he holds a licence authorising the use of that designation in connection with that milk :

Provided that, for the purpose of a sale or advertisement of milk as, or as part of, a meal or refreshments, a special designation may be used by a person who does not hold a licence authorising the use of that designation in connection with the milk, if the milk is milk bought by him and that designation was used for the purpose of the sale thereof to him.

(3) No person shall for the purpose of the sale or advertisement of any milk refer to that milk by any such description, not being a special designation, as is calculated falsely to suggest—

- (a) that there is in force a licence authorising the use of a special designation in connection with that milk ; or
- (b) that the milk is tested, approved or graded by any competent person ; or
- (c) that the cows from which the milk is derived are free from the infection of tuberculosis or of any other disease.

(4) A person who contravenes any of the provisions of subsection (2) or (3) of this section shall be guilty of an offence.

(5) In any proceedings taken by virtue of subsection (3) of this section it shall rest on the defendant to prove the truth of any suggestion which, in the opinion of the court, his acts or conduct, as proved by the prosecution, are or is calculated to convey.

(6) It shall be the duty of every Food and Drugs authority within their area to carry into execution and enforce the provisions of subsections (2) and (3) of this section :

Provided that this subsection shall not apply to the execution or enforcement of those provisions as regards any use of a special designation, or any reference to milk by such a description as is mentioned in subsection (3) of this section, by the producer of the milk in question where that milk is raw milk.

(7) Section twenty-eight of this Act shall apply for the interpretation of the references in this section to selling milk but as if the definition of milk in that section were omitted.

412 Section 92, Food and Drugs Act, 1938.—The provisions of section 92 do not now apply to Milk and Dairies Regulations—section 36 and Sched. 5, of the Act of 1950. The ancillary provisions relating to Milk (Special Designations) Regulations, are contained in section 17 of the Act of 1950, *infra*.

Section 17, Food and Drugs (Milk, Dairies and Artificial Cream) Act, 1950—Ancillary provisions as to contents of Milk (Special Designations) Regulations.

(1) Provision made by Milk (Special Designation) Regulations for the granting of licences authorising the use of a special designation shall be for the granting thereof by the following, that is to say—

- (a) either the Minister of Food or county councils or local authorities, as may be provided by the regulations, except as respects licences authorising the use of a special designation of raw milk by the producer of such milk ;
- (b) as respects such last-mentioned licences, the Minister of Agriculture and Fisheries.

PAGE

412

(2) The conditions prescribed by such regulations subject to which licences may be granted may include conditions as to the payment of fees.

(3) Without prejudice to the generality of other provisions of this Part of this Act as to such regulations, they may—

- (a) apply, as respects matters to be dealt with by the regulations, any provisions in the Food and Drugs Act, 1938, or in this Act or in any other Act dealing with the like matters, with the necessary modifications and adaptations;
- (b) provide for an appeal to a court of summary jurisdiction against any refusal or other decision of an authority by whom the regulations are to be enforced and executed, so, however, that this paragraph shall have effect subject to the provisions of paragraph 3 of the Third Schedule to this Act ;
- (c) authorise the making of charges for the purposes of the regulations or for any services performed thereunder, and provide for the recovery of the charges so made ;
- (d) make such ancillary and incidental provisions as appear to the Ministers making the regulations to be necessary or desirable.

413- The material on these pages has ceased to have effect;
414 substitute the following paragraphs :

Committees to review working of Milk (Special Designation) Regulations.—Milk and Dairies Regulations must provide for the keeping under review by the Central and County Advisory Committees appointed under those Regulations (see *ante*, p. 87 in this Supplement), of the operation and administration of Milk (Special Designation) Regulations and for the making of recommendations with respect thereto in like manner as in the case of recommendations made with respect to the operation of Milk and Dairies Regulations—section 16 of the Act of 1950.

Enforcement of Milk (Special Designation) Regulations.—Section 18 of the Act of 1950, *infra*, specifies the authorities charged with the enforcement of Milk (Special Designation) Regulations. It will be noted that this section does not apply in the case of the use of a special designation of raw milk by a producer of such milk, regulations relating to which are enforced by the Minister of Agriculture and Fisheries.

Section 18, Food and Drugs (Milk, Dairies and Artificial Cream) Act, 1950—Enforcement of Milk (Special Designation) Regulations.

(1) Milk (Special Designation) Regulations shall specify the authorities, whether county councils, local authorities, Food and

PAGE

413-
414

Drugs authorities or port health authorities, by whom they are to be enforced and executed, and may provide for the giving of assistance and information by any authority concerned in the administration of the regulations, or of this Act, or of the Food and Drugs Act, 1938, to any other authority so concerned for the purposes of their respective duties thereunder :

Provided that this subsection shall not apply to the enforcement or execution of regulations in respect of the use of a special designation of raw milk by a producer of such milk.

(2) Any expenses incurred by a county council in the enforcement and execution of such regulations shall, if the Minister of Health by order so directs, be defrayed as expenses for special county purposes charged on such part of the county as may be provided by the order, but any such order may be revoked or varied by a subsequent order.

(3) Such regulations may in particular provide for imposing on persons offending against the regulations penalties not exceeding the following, that is to say—

- (i) for a first offence a fine of twenty pounds ; and
- (ii) for a subsequent offence a fine of one hundred pounds or imprisonment for three months or both.

(4) Such regulations may in particular provide for the taking and examination of samples, and the power conferred by paragraph (a) of subsection (3) of the last foregoing section shall include power, in dealing with the procuring of samples for the purpose of the enforcement of conditions of licences authorising the use of a special designation, to exclude provisions of the Third Schedule to the Food and Drugs Act, 1938, which may appear not to be appropriate for that purpose.

Revocation, suspension and refusal of licences to use a special designation.—Section 14 and Part I of the Third Schedule to the Act of 1950, contain the general provisions relating to the revocation, etc. of licences to use a special designation.

Section 14, Food and Drugs (Milk, Dairies and Artificial Cream) Act, 1950—Revocation, suspension and refusal of licences to use a special designation.

(1) The provisions of Part I of the Third Schedule to this Act shall have effect with respect to the making by Milk (Special Designation) Regulations of provision for—

- (a) the revocation or suspension of licences authorising the use of a special designation on the ground of a breach of condition of the licence ;
- (b) procedure in connection with decisions to revoke or suspend such licences or to refuse grants of such licences.

(2) Where there has been a breach of a condition subject to which a licence authorising the use of a special designation is granted, but the licence has not been revoked or suspended, the breach shall not be treated as rendering the use of the designation unauthorised for any of the purposes of the last foregoing section or of any other provision of this Act.

PAGE

413- *Third Schedule, Food and Drugs (Milk, Dairies and Artificial Cream)*
 414 *Act, 1950—Part 1.*

POWERS AS TO REVOCATION OR SUSPENSION OF LICENCES TO USE
 SPECIAL DESIGNATIONS, AND PROCEDURE AS TO REVOCATION,
 SUSPENSION OR REFUSAL THEREOF

PART I

GENERAL

1. Provision shall be made by Milk (Special Designation) Regulations for enabling the licensing authority or, on an appeal made to him by virtue of the subsequent provisions of this Schedule in that behalf, the Minister of Food, to revoke or suspend a licence authorising the use of a special designation, on the ground of any breach of condition thereof which is proved to the satisfaction of the licensing authority or of that Minister as the case may be :

Provided that this paragraph shall, in relation to licences for specified areas, have effect subject to the provisions of Part II of this Schedule.

2. Provision shall be made by such regulations as aforesaid as to any decision to revoke or suspend such a licence as aforesaid or to refuse a grant of such a licence—

- (a) where the licensing authority is a local authority, for conferring on the holder of the licence or the applicant, as the case may be (in this Schedule referred to as "the person affected") a right to be heard by the appropriate committee of the authority before a decision is made, and a right of appeal to the Minister of Food against a decision adverse to the person affected ;
- (b) for requiring the Minister of Food on any such appeal to him, and any Minister of the Crown when acting as licensing authority, before making his decision to afford to the person affected an opportunity of making representations ;
- (c) for securing that any such hearing as aforesaid by a committee shall be in public, that the person affected shall be entitled to be heard by himself or by counsel or a solicitor or other representative as he may elect, and that he or his representative shall be entitled to call witnesses and to cross-examine witnesses called by another ; and
- (d) for securing that such notice of a decision or proposed decision shall be given to the person affected as may be requisite for enabling him effectively to exercise rights conferred on him by virtue of the foregoing sub-paragraphs.

3. Paragraph (b) of subsection (3) of section seventeen of this Act shall not apply to any such decision as is mentioned in the last foregoing paragraph.

414- **Designated Milks. Delete the whole of this section**
 449 **(pp. 414-449) and substitute the following :—**

GENERAL PROVISIONS WITH RESPECT TO DESIGNATED
 MILKS

Types of licence.—Consequent upon the transfer of responsibility for the supervision of milk production on dairy farms from local authorities to the Minister of Agriculture and Fisheries, that Minister is now the authority

PAGE

414- for the issue of licences to use a special designation in
449 relation to raw milk by the producer of that milk. Licences to use the designations " Pasteurised " and " Sterilised " on the premises of the applicant are now granted by food and drugs authorities (see p. 19 of the Main Work). The various kinds of designated licence and the authorities responsible for issuing them, are as follows :—

1. *Raw Milk*—

- | | |
|--------------------------|--|
| (i) Producers' licences— | Minister of Agriculture and Fisheries. |
| (ii) Dealers' licences— | Local authorities. |

2. *Heat Treated Milk*—

- | | |
|--|-----------------------------|
| (i) Licences in respect of the premises where the heat treatment is carried out— | Food and drugs authorities. |
| (ii) Other licences— | Local authorities. |

In cases where a licence is required by a county council or a local authority, it is granted by the Minister of Food.

SPECIAL DESIGNATIONS IN RESPECT OF RAW MILK

The conditions governing the issue of licences to produce and sell *raw* milk under the special designations " Tuberculin Tested " and " Accredited " are contained in the Milk (Special Designation) (Raw Milk) Regulations, 1949 (S.I. 1949, No. 1590). In these Regulations the expression "*milk*" means raw milk and the expression "*raw milk*" means cows' milk which has not been treated by heat but does not include cream or separated, skimmed, dried, condensed or evaporated milk or buttermilk—Regulation 2 (1), Milk (Special Designation) (Raw Milk) Regulations, 1949.

General provisions as to licences.—Any person who intends to use a special designation must apply to the licensing authority (Reg. 4), who may refuse to grant a licence if it is not satisfied that the applicant's arrangements for the production, handling, storage, treatment and distribution of milk, as the case may be, are such as to comply with all relevant provisions contained in any Milk and Dairies Regulations and Milk (Special Designation) Regulations, including the Raw Milk Regulations of 1949 (Reg. 5).

Every licence granted under the Raw Milk Regulations of 1949, is subject to the general conditions set out in the First Schedule to those Regulations, *infra*, and to such of the special conditions set out in Parts I and II of the Second Schedule as are applicable thereto.

PAGE

414-

449

*First Schedule, Milk (Special Designation) (Raw Milk) Regulations,
1949—General conditions subject to which licences are granted.*

1. The holder of the licence shall so maintain and operate his arrangements for the production, handling, storage, treatment and distribution of milk as to comply with all relevant provisions contained in any Milk and Dairies Regulations and Milk (Special Designation) Regulations, including these regulations.

2. The holder of the licence shall take such measures as are adequate to ensure that the milk to which the licence applies is kept apart from all other milk at all times except when it is in separate sealed containers. In particular, he shall ensure that any vessel or apparatus which has been used for any other milk whether raw milk or not shall be cleansed in accordance with the provisions of the Milk and Dairies Regulations, 1949, on each occasion before it is used for the milk to which the licence applies: provided that such cleansing may be dispensed with in any case where, having regard to the special designation next to be used, the licensing authority so permits.

3. Subject to the provisions of these regulations, the holder of the licence shall not for the purpose of the sale or advertisement of the milk to which the licence applies refer to it by any such description (other than the special designation authorised by the licence) as is likely to suggest that it is tested, approved or graded by any competent person.

4. The holder of the licence shall—

- (a) keep accurate records of the quantities of the milk produced, purchased and sold, as the case may be, and of the names and addresses of the persons from whom the milk was purchased and to whom it was sold otherwise than by retail ;
- (b) retain such records for a period of twelve months from the date of production or the date of the transaction to which the record relates ;
- (c) permit any person duly authorised by the licensing authority—
 - (i) to inspect the processes of production, handling, treatment, storage and distribution of the milk at any place at which the milk is under the control of the holder of the licence ;
 - (ii) to take samples of the milk free of charge at any such place ; and
 - (iii) to inspect any records which the holder is required to keep by the conditions subject to which the licence was granted.

For the purposes of this sub-paragraph the expression “licensing authority” means the licensing authority for the licensing area in which the said arrangements are maintained and operated or in which the said records are kept, and, for the purpose of taking samples of any milk which is received from a licensed producer at any premises to which a dealer’s licence relates, includes the Minister of Agriculture and Fisheries.

PAGE

414- With regard to paragraph 2 of the First Schedule, *supra*,
449 which requires milk to which a licence applies to be kept apart from other milk, the Ministry of Food have intimated to food and drugs and local authorities that there is no objection to undesignated milk and designated milk or to two or more kinds of designated milk being handled, etc. on the same premises provided that adequate arrangements are made to prevent the milk to which the designation applies being contaminated by any other milk, and it is considered that the cleansing of vessels and plant can be dispensed with when the circumstances are such as to exclude any possibility of contamination of the designated milk by any other milk. The use of vessels and plant for handling *accredited milk* immediately after such vessels, etc. have been used for handling *tuberculin tested milk* would fall into this category ; on the other hand, the handling of pasteurised milk immediately after raw milk (whether designated or not) should not be permitted, as in such circumstances there may be some risk of contamination of the pasteurised milk by the unpasteurised milk—Ministry of Food Circular, M.F. 15/49, para. 16—31st August, 1949.

Under the repealed Milk (Special Designations) Order, 1936, the Minister of Health expressed the opinion (see Ministry of Health Circular 1533, para. 10, 24th April, 1936) that in considering whether the general conditions laid down in Schedule Two to that Order would be satisfied a licensing authority might properly take the requirements of the Milk and Dairies Order, 1926 (now replaced by the Milk and Dairies Regulations, 1949), *as a minimum*. It was for the authority to exercise their discretion in deciding whether further requirements were necessary in order reasonably to ensure that the conditions of the licence would regularly be complied with. The Minister was advised that it was necessary for this purpose that there should be steam sterilisation of utensils and containers. Under the new Regulations, however, this is not the position. A licensing authority is not empowered to require anything additional to those items specifically detailed in the Milk and Dairies Regulations, 1949, and the Raw Milk Regulations, 1949. In particular, a licensing authority is not empowered to require the provision of steam sterilisation for utensils and containers, the licence holder having the right to decide which of the methods prescribed in Regulation 26 (6) of the Milk and Dairies Regulations, 1949 (see *ante*, p. 109 in this

PAGE

414- Supplement), he will adopt for the cleansing of his equip-
449 ment.

Form of licence.—Every licence granted under the Raw Milk Regulations must be in the form contained in the Fifth Schedule to the Regulations, *infra*, or in a form substantially in the like effect—Reg. 6 (2).

Fifth Schedule, Milk (Special Designation) (Raw Milk) Regulations, 1949.

FORM A*

Milk (Special Designation) (Raw Milk) Regulations, 1949
Producer's Licence authorising the use of the special designation
"Tuberculin Tested"

The Minister of Agriculture and Fisheries hereby authorises
..... of to use
the special designation "Tuberculin Tested" in relation to milk
produced from a herd at..... in accordance
with the conditions prescribed in the Milk (Special Designation)
(Raw Milk) Regulations, 1949, for the purpose of selling (a) by
wholesale† (b) by retail.†

This licence is not transferable and is subject to the conditions
prescribed in the above-named regulations, and unless suspended
or revoked will operate until.....

Dated this..... day of 19

For and on behalf of the Minister of
Agriculture and Fisheries.

† Strike out if inapplicable.

FORM B*

Milk (Special Designation) (Raw Milk) Regulations, 1949
Dealer's Licence authorising the use of the special designation
"Tuberculin Tested"

The..... hereby authorise
..... of
(referred to herein as the licensed dealer) to use the special
designation "Tuberculin Tested" in relation to milk which is
obtained by the licensed dealer as "Tuberculin Tested" from an
establishment in respect of which a licence authorising the use of
that designation in relation to it is in force and is sold or intended
for sale at or from.....

This licence is not transferable and is subject to the conditions
prescribed in the Milk (Special Designation) (Raw Milk) Regula-
tions, 1949, and unless suspended or revoked will operate until
the..... day of 19

* A similar form with appropriate modifications is to be used for
licences for the use of the special designation "Accredited".

PAGE

414-

449

This licence does not authorise the holder to use the above named designation in relation to milk sold outside the area of the licensing authority except in relation to milk sold by wholesale.

Dated this..... day of19

Clerk to the Council.

FORM C*

*Milk (Special Designation) (Raw Milk) Regulations, 1949
Supplementary Licence authorising the use of the special
designation "Tuberculin Tested"*

The
hereby authorise of
being the holder of the licence (referred to herein as the principal
licence) dated..... and granted by.....
.....to which this supplementary licence is
appended† to use the special designation "Tuberculin Tested"
in the licensing area of.....‡ in relation to
milk to which the principal licence applies and which is sold by
retail from the premises specified in that licence.

This supplementary licence is subject to the conditions prescribed in the Milk (Special Designation) (Raw Milk) Regulations, 1949, and unless suspended or revoked will operate during the period of operation of the principal licence.

Date thisday of19 ..

Clerk to the Council.

A licence under the Raw Milk Regulations authorises the use of a special designation only in relation to milk sold at or from the premises mentioned in the licence. A person holding a licence to use the special designation "Tuberculin Tested" may use the designation "Accredited" in relation to the milk to which the licence applies for the period of five years from 1st October, 1949, or for such shorter period as the licence may be in force—Reg. 7.

Provisions relating to the granting of producers' licences.—All licences to use the special designations "Tuberculin Tested" and "Accredited" in respect of milk produced by a registered dairy farmer, are granted by the Minister of Agriculture and Fisheries in accordance with the provisions of Reg. 8, *infra*.

* A similar form with appropriate modifications is to be used for supplementary licences for the use of the special designation "Accredited".

† If preferred the licence may be endorsed on the principal licence.

‡ Insert name of the licensing area for which this licence is valid.

PAGE

414-
449

Regulation 8, Milk (Special Designation) (Raw Milk) Regulations, 1949.

(1) Subject to the provisions of these regulations all producers' licences granted under these regulations shall be granted by the Minister of Agriculture and Fisheries and applications for producers' licences shall be made in writing to the Minister of Agriculture and Fisheries.

(2) Subject to the provisions of these regulations, application may be made by a producer for the granting of separate producers' licences as regards the use of a special designation for the purposes respectively of selling by wholesale or selling by retail. Any such separate licences may be granted subject to conditions limiting for the purpose of sale the use of any special designation to such district and to such sales as may be specified in the licence.

(3) Subject to the provisions of these regulations, all producers' licences granted on or after the commencement of these regulations to use the special designation "Tuberculin Tested" in relation to milk produced from an attested herd shall be for the period of five years from the date on which the licence is granted. Any such licence unless previously revoked may on application by the licensed producer be renewed from time to time by the Minister of Agriculture and Fisheries for a similar period.

(4) Subject to the provisions of these regulations all producers' licences granted in respect of an application received before 1st October, 1951, to use the special designation "Tuberculin Tested" in relation to milk produced from a herd not being an attested herd, shall be granted for a period of five years and shall not thereafter be renewable.

(5) Subject to the provisions of these regulations, all producers' licences granted in respect of an application received after 30th September, 1951, and before 1st October, 1954, to use the special designation "Tuberculin Tested" in relation to milk produced from a herd not being an attested herd, shall be granted for a period of three years and shall not thereafter be renewable.

(6) No producer's licence, to use the special designation "Tuberculin Tested" shall be granted on an application received after 30th September, 1954 (whether in renewal of an existing licence or not) unless the herd in respect of which the licence is applied for is an attested herd.

(7) Subject to the provisions of these regulations, all producers' licences granted in respect of an application received before 1st October, 1952, to use the special designation "Accredited" in relation to milk produced from any herd shall be granted for such part as then remains of the period of five years from the commencement of these regulations and shall not thereafter be renewable.

(8) No producer's licence to use the special designation "Accredited" shall be granted on an application received after 30th September, 1952 (whether in renewal of an existing licence or not).

PAGE

414- It will be noted that applications for licences must be
449 made in writing. In accordance with the Milk and Dairies (Delegation to County Agricultural Executive Committees) Regulations, 1949 (S.I. 1949, No. 1847), authority to grant producers' licences, receiving applications therefor and for the renewal thereof, has been delegated by the Minister of Agriculture and Fisheries to County Agricultural Executive Committees. Applications should be sent to the County Milk Regulations Officer of the appropriate County A.E.C.

Producers' licences fall into three categories, as follows—

(a) *Tuberculin tested—milk from attested herds.*

Licences in operation for a period of five years and renewable for further periods of five years, subject to compliance with the requirements of the Regulations.

(b) *Tuberculin tested—milk from non-attested herds.*

(i) *Licences in operation on 1/10/49.*

Expire on 30/9/54 and not renewable.

(ii) *Licences granted prior to 1/10/51.*

Expire after a period of five years and then not renewable.

(iii) *Licences granted between 1/10/51 and 30/9/54.*

Expire after a period of three years and then not renewable.

It will be seen that no licence for the production of Tuberculin Tested milk from non-attested animals, will remain in operation after 30th September, 1957.

(c) *Accredited.*

(i) *Licences in operation on 1/10/49.*

Expire on 30/9/54 and then not renewable.

(ii) *Licences granted between 1/10/49 and 30/9/52.*

Expire on 30/9/54 and then not renewable.

It will be seen that all licences to produce milk under the designation "Accredited" expire on 30/9/54 and are then not renewable, and that no new "Accredited" licences may be issued after 30/9/52.

With the operation of the Tuberculosis (Attested Herds) Scheme, 1950 (S.I. 1950, No. 1126—see *post*, p. 223 in this Supplement), from 1st October, 1950, the quality premium paid to a producer of milk holding a "Tuberculin Tested" licence, was, in effect, divided into two parts, 2d. per gallon in respect of attestation and 2d. in respect of the methods of milk production. Dairy farmers holding a valid Tuberculin Tested licence on 1st October, 1950, were entitled to apply to the Minister of Agriculture and Fisheries to

PAGE

414- declare their herds " Supervised Herds " and provided this
449 application was made before 31st December, 1950, and the applicant complied with the conditions relating to supervised herds the full quality premium of 4d. per gallon continued to be paid. In all other cases, including new applicants for a " Tuberculin Tested " licence after 1st October, 1950, a certificate of attestation must be in operation otherwise the holding of the tuberculin tested licence entitles the dairy farmer to a quality premium of 2d. per gallon instead of 4d.

Where before 1st October, 1954, a person applies for a producer's licence to use the special designation " Tuberculin Tested " and the herd in respect of which the licence is applied for is not an attested herd, he must furnish the Minister with (a) a certificate of a tuberculin test of every animal in the herd at the date of the application carried out not more than one month before that date and distinguishing every animal by its identification mark ; and (b) a veterinary surgeon's certificate of an examination of every animal in the herd at the date of the application carried out not more than one month before that date. The applicant must also satisfy the Minister that any animal certified as reacting to the tuberculin test has been removed from the herd and that any animal certified as showing evidence of any disease which is likely to affect the milk injuriously has been segregated from the rest of the herd or removed from the herd as the case may require—Reg. 9.

The provisions of Reg. 10, *infra*, apply in the case of " Accredited " licences.

Regulation 10, Milk (Special Designation) (Raw Milk) Regulations, 1949.

Where before 1st October, 1952, a person applies for a producers' licence to use the special designation " Accredited ", he shall—

- (a) furnish the Minister of Agriculture and Fisheries with a veterinary surgeon's certificate of an examination of the milch cows in the herd, carried out not more than one month before the date of the application ; and
- (b) satisfy the said Minister that any such cow which has been certified as showing evidence of any disease which is likely to affect the milk injuriously has been segregated from the rest of the herd or removed from the herd as the case may require.

" *Attested herd* " means a herd on the Register of Attested herds kept in pursuance of a scheme for the time being in

PAGE

- 414- force under section 20 of the Agriculture Act, 1937 (see the
 449 Tuberculosis (Attested Herds) Scheme, 1950 ; S.I. 1950, No. 1126, *post*, p. 223 in this Supplement) ; “ *Certificate of a tuberculin test* ” means a certificate in the form directed by the Minister of Agriculture and Fisheries and signed by a veterinary surgeon, of the making by him of a tuberculin test of an animal and of the result thereof ; “ *examination* ” means a clinical examination of an animal made by a veterinary surgeon in such manner as the Minister of Agriculture and Fisheries may direct ; “ *herd* ” means the milch cows in respect of whose milk any licence is applied for or granted, as the case may be, and includes any other bovine animal for the time being kept in contact with such cows ; “ *milch cow* ” means a cow kept for milking purposes ; and “ *tuberculin test* ” means a tuberculin test of an animal made by a veterinary surgeon with such tuberculin and in such manner as the Minister of Agriculture and Fisheries may direct—Reg. 2 (1), Milk (Special Designation) (Raw Milk) Regulations, 1949.

Refusal, suspension and revocation of producers' licences and appeals arising therefrom.—Section 14 of the Act of 1950 (see *ante*, p. 136 in this Supplement) requires Milk (Special Designation) Regulations, to contain provisions with respect to the refusal, suspension or revocation of designated licences and such provisions are contained in Part IV of the Milk (Special Designation) (Raw Milk) Regulations, 1949, *infra*.

Part IV, Milk (Special Designation) (Raw Milk) Regulations, 1949.

Refusal, suspension and revocation of producers' licences and appeals arising therefrom

11.—(1) The Minister of Agriculture and Fisheries shall not revoke a producer's licence being a licence to which section 8 of the Milk (Special Designations) Act, 1949 [see now sect. 25, Food and Drugs (Milk, Dairies and Artificial Cream) Act, 1950], applies (that is to say a licence held by a retailer for a specified area) or refuse a grant of a licence by way of renewal of any such licence so held on the ground of breach of a condition thereof, unless—

- (a) the breach in question is of a condition to which section 8 as aforesaid applies ;
- (b) the holder of the licence has been convicted of an offence under that section by virtue of the breach in question, or has been convicted within twelve months before the time

PAGE

414-

449

of the breach in question or after the time of it, of an offence under section 1, 2 or 4 of the aforesaid Act [see now sections 19, 20 and 22 of the Act of 1950], of an offence under section 21 of the Food and Drugs Act, 1938, or of an offence under Milk and Dairies Regulations for which a penalty is thereby imposed ; and

- (c) the decision of the licensing authority to revoke, or to refuse renewal, as the case may be, is made within twelve months from the date of the breach in question.

(2) The Minister of Agriculture and Fisheries shall not suspend a producer's licence being a licence held by a retailer for a specified area on the ground of breach of a condition thereof, by virtue of any one decision by him, for a period of more than 3 months, but the period of suspension awarded by any such decision may be extended by a subsequent such decision made in accordance with the provisions of the next succeeding regulation.

12.—(1) Subject, as respects the suspension or revocation of a producer's licence which is a licence held by a retailer for a specified area, to the provisions of the preceding regulation, the Minister of Agriculture and Fisheries may suspend or revoke a producer's licence on the ground of any breach of condition thereof being a breach by virtue of which the producer has been convicted of an offence under section 8 of the Milk (Special Designations) Act, 1949 [see now section 25 of the Act of 1950], or which, not being such a breach as aforesaid, is proved (in a case referred to a tribunal by virtue of the subsequent provisions of these regulations) by the finding of the tribunal, or (in any other case) to the satisfaction of that Minister :

Provided that a licence shall not be suspended or revoked by reason only of the producer's milk being found not to comply with the conditions of the licence after it has left his custody and control, if he shows to the satisfaction of the Minister of Agriculture and Fisheries that such non-compliance was not due to any act or default of himself or of his servants or agents.

(2) Where the Minister of Agriculture and Fisheries proposes to refuse to grant a producer's licence, or proposes to suspend or revoke such a licence he shall serve notice of his proposal on the person affected in accordance with these regulations.

(3) Any such notice as aforesaid shall state the reasons for the proposed decision and inform the person served therewith that he may within 14 days after the receipt thereof make representations in writing to the Minister of Agriculture and Fisheries in respect of all or any of the reasons stated therein, and where the issue is as to revocation or suspension of a producer's licence being a licence held by a retailer for a specified area, or refusal of a grant of a licence by way of renewal of such a licence, shall inform the person affected that he may within 14 days as aforesaid request the Minister of Agriculture and Fisheries to refer the matter to a tribunal constituted in accordance with these regulations. If within that 14 days such request is made to that Minister as aforesaid, he shall forthwith refer the matter to a tribunal in accordance with the provisions of the Fourth Schedule to these regulations.

PAGE

414-

449

(4) The decision of the Minister of Agriculture and Fisheries to refuse to grant, or to suspend, or to revoke, a producer's licence shall be final, but before making his decision he shall consider any representations made under the preceding paragraph and, where the matter has been referred to a tribunal, the report of the tribunal.

(5) Where before the end of the period for which a producer's licence was granted, the holder of that licence applies for a licence in renewal thereof and his application is not finally determined before the end of the said period, the existing licence shall, subject to any suspension under these regulations, remain in force until his application is so determined, and where the grant of the licence is refused by the Minister of Agriculture and Fisheries during the currency of a period when representations may be made against his proposed decision to suspend or revoke the existing licence, or in the case of a retailer for a specified area reference to a tribunal in respect of the matter may be requested, such representations or reference shall be deemed to include representations or reference in respect of such refusal.

13. Where under this Part of these regulations any issue is referred to a tribunal the constitution and procedure of the tribunal shall conform with the provisions of the Fourth Schedule to these regulations.

As to the special provisions relating to designated licences in "specified areas", see *post*, p. 180 in this Supplement.

The Minister of Agriculture and Fisheries has delegated the power to serve notice of proposal (a) to refuse to grant, (b) to suspend, or (c) to revoke a producer's licence, with particulars of the reasons therefor and of the rights of the person affected in relation thereto, receiving and considering representations from any such person affected, and deciding whether to refuse to grant, to suspend, or to revoke a producer's licence, to County Agricultural Executive Committees, provided that where representations have been made against such a proposal to refuse, suspend or revoke a licence, by a person affected in relation thereto, a County A.E.C. may not carry out the proposal without the consent of the Minister—Milk and Dairies (Delegation to County Agricultural Executive Committees) (Amendment) Regulations, 1950 (S.I. 1950, No. 1818).

It should be noted that except in the case of a producer-retailer in a "specified area" (when an appeal may be referred to a tribunal), the decision of the Minister of Agriculture and Fisheries regarding the refusal, revocation or suspension of a producer's licence, is final.

Provisions relating to the granting of dealers' licences.—All dealers' licences are granted by the local authority (see

PAGE

414- p. 18 in the Main Work), except in the case of a licence
449 issued to a county council or local authority, when it is granted by the Minister of Food. Applications for licences must be made in writing and state the name and address of each person from whom it is proposed to obtain the milk—Reg. 14, Milk (Special Designation) (Raw Milk) Regulations, 1949. Subject to the provisions of the Regulations, dealers' licences remain in force until the 31st December in the year in respect of which they are granted—Reg. 16.

A dealer's licence authorises the use of a special designation in relation only to milk sold within the area of the licensing authority, except in the case of milk sold by wholesale. Where, however, a dealer proposes to sell milk by retail in the area of another licensing authority, he must obtain from the latter authority a supplementary licence which will authorise him during the period of operation of the dealer's licence to use the special designation in relation to milk so sold in the area of the second licensing authority—Reg. 15.

" *Dealer's licence* " means a licence, including a supplementary licence, granted to any person to use a special designation in relation to milk sold by him and produced from a herd not in his ownership or control or to any person owning or controlling a herd to use a special designation in relation to milk sold by him at or from premises other than those at which the herd is maintained and "*licensed dealer* " means any person to whom a dealer's licence has been granted ; and "*selling milk by retail* " means selling it—

- (a) to any person other than a milk dealer (that is to say a person who carries on a business which consists in or comprises the selling of milk) or a manufacturer of milk products (that is to say, a person who carries on a business which consists in or comprises the making of things made from milk or of which milk is an ingredient) or
- (b) to such a dealer or manufacturer otherwise than for the purposes of his business as such—Reg. 2 (1).

Refusal, suspension and revocation of dealers' licences and appeals arising therefrom.—Part VI of the Regulations, *infra*, contain the provisions relating to the refusal, suspension or revocation of dealers' licences. As to the special provisions relating to designated licences in " specified areas ", see *post*, p. 180 in this Supplement.

PAGE

414-

449

*Part VI, Milk (Special Designation) (Raw Milk) Regulations, 1949.**Refusal, suspension and revocation of dealers' licences and appeals arising therefrom*

17.—(1) The licensing authority shall not revoke a dealer's licence being a licence to which section 8 of the Milk (Special Designations) Act, 1949, applies (that is to say a licence held by a retailer for a specified area) or refuse a grant of a dealer's licence by way of renewal of any such licence on the ground of breach of a condition thereof unless—

- (a) the breach in question is of a condition to which section 8 as aforesaid applies ;
- (b) the holder of the dealer's licence has been convicted of an offence under that section by virtue of the breach in question, or has been convicted within twelve months before the time of the breach in question or after the time of it, of an offence under section 1, 2 or 4 of the aforesaid Act, of an offence under section 21 of the Food and Drugs Act, 1938, or of an offence under Milk and Dairies Regulations for which a penalty is thereby imposed ; and
- (c) the decision of the licensing authority to revoke, or to refuse renewal, as the case may be, is made within twelve months from the date of the breach in question.

(2) The licensing authority shall not suspend a dealer's licence being a licence held by a retailer for a specified area on the ground of breach of a condition thereof, by virtue of any one decision by the licensing authority, for a period of more than 3 months, but the period of suspension awarded by any such decision may be extended by a subsequent such decision made in accordance with the provisions of the next succeeding regulation.

18.—(1) Subject, as respects suspension or revocation of a dealer's licence which is a licence held by a retailer for a specified area, to the provisions of the preceding regulation, the licensing authority may suspend or revoke a dealer's licence on the ground of any breach of condition thereof being a breach by virtue of which the holder has been convicted of an offence under section 8 of the Milk (Special Designations) Act, 1949, or which, not being such a breach as aforesaid, is proved (in a case referred to a tribunal by virtue of the subsequent provisions of these regulations) by the finding of the tribunal, or (in any other case) to the satisfaction of the licensing authority.

(2) The following provisions shall apply where a licensing authority, other than the Minister of Food, propose to suspend or revoke a dealer's licence or to refuse to grant such a licence :—

- (a) The authority shall serve on the person affected a notice informing him of their proposal and the reasons therefor, and of his right under the next succeeding sub-paragraph.
- (b) The person affected may within 14 days after the receipt of such a notice require the authority to afford him an opportunity of being heard by the appropriate committee of the authority and the authority shall comply with any such requirement before making their decision.

PAGE

414-
449

- (c) Any such hearing by a committee shall be in public and the person affected shall be entitled to be heard by himself or by counsel or a solicitor or other representative as he may elect, and he or his representative shall be entitled to call witnesses and to cross-examine witnesses called by another.
 - (d) Where the decision of the authority is adverse to the person affected that person may within 14 days after being notified of that decision appeal to the Minister of Food and the authority shall give notice of such right together with notice of their decision.
 - (e) A decision of the licensing authority to suspend a dealer's licence shall not have effect until 14 days after the receipt by the person affected of notice thereof and in the event of an appeal against the decision until the end of the year in respect of which the licence was granted or until the determination of the appeal whichever is the earlier.
 - (f) The Minister of Food on any such appeal, before making his decision, shall, by notice, afford to the person affected an opportunity of making representations within a period of 14 days, and where the issue is as to revocation or suspension of a dealer's licence held by a retailer for a specified area or refusal of a grant of a licence by way of renewal of such a licence and the person affected so requests, that Minister shall refer the matter to a tribunal in accordance with the provisions of the Fourth Schedule to these regulations, and shall consider the report of that tribunal before making his decision.
 - (g) In any such appeal any reference in these regulations to anything being done to the satisfaction of the licensing authority shall be treated as if the reference were to the satisfaction of the Minister of Food who in determining any such appeal may, if he thinks fit, take into consideration any change of circumstances brought about since the date of the licensing authority's decision.
 - (h) The decision of the Minister of Food on any such appeal shall be final and the licensing authority shall comply therewith.
- (3) Where the Minister of Food acting as a licensing authority proposes to revoke or suspend a dealer's licence or to refuse to grant such a licence he shall serve on the council affected a notice informing them of his proposal and the reasons therefor and shall by notice afford such council an opportunity of making representations within a period of 14 days, and where the issue is as to revocation or suspension of a dealer's licence held by a retailer for a specified area or refusal of a grant of a licence by way of renewal of such a licence and the council affected so requests, that Minister shall refer the matter to a tribunal in accordance with the provisions of the Fourth Schedule to these regulations and shall consider the report of that tribunal before making his decision.

PAGE

414-

449

(4) Where before the end of the period for which a dealer's licence was granted the holder of the dealer's licence applies for a grant of licence in renewal thereof and his application is not finally determined before the end of the said period, the existing dealer's licence shall, subject to any suspension under these regulations, remain in force until his application is so determined, and where the application is refused by the licensing authority—

- (a) during the currency of a period when representations may be made against the licensing authority's proposed decision to suspend or revoke the existing dealer's licence ;
- (b) during the currency of an appeal to the Minister of Food, against a decision by a licensing authority, other than that Minister, to suspend or revoke the existing licence ; or
- (c) in the case of a retailer for a specified area, after he has requested a reference to a tribunal and before the consideration of that reference by the tribunal ;

such representations, appeal or reference, as the case may be, shall be deemed to include representations, an appeal or reference in respect of such refusal.

19. Where under this part of these regulations any issue is referred to a tribunal the constitution and procedure of the tribunal shall conform with the provisions of the Fourth Schedule to these regulations.

Miscellaneous provisions relating to raw milk special designations—The following miscellaneous provisions relate to the special designations applied to raw milk.

Part VII, (Milk Special Designation) (Raw Milk) Regulations, 1949.

Miscellaneous Provisions

20. Where milk is brought from Scotland into England or Wales, a licence granted in pursuance of an Order made by the Secretary of State for Scotland and authorising the use of a special designation, corresponding to a special designation prescribed by these regulations, in relation to that milk shall have effect as if it had been granted under these regulations and so far as any conditions prescribed in these regulations for a licence authorising the use of that designation would relate to anything to be done before the milk enters England or Wales, they shall be deemed to be satisfied if the corresponding conditions of the Scottish Order are complied with.

21. Notwithstanding the revocation by these regulations of the Milk (Special Designations) Regulations, 1936 to 1948, in so far as they relate to raw milk (in this regulation referred to as "the 1936-48 regulations") and without prejudice to section 38 of the Interpretation Act, 1889—

- (a) any licence granted under the 1936-48 regulations to a producer, and in force immediately before the commencement of these regulations, shall continue in force and have

PAGE

414-

449

effect as if it were a producer's licence granted under and subject to the provisions of these regulations for the period ending 30th September, 1954 :

Provided that the Minister of Agriculture and Fisheries may with the agreement of the licensed producer substitute for any licence referred to in this paragraph, two separate licences for the purposes respectively of selling by wholesale or selling by retail and thereupon the foregoing provisions of this paragraph shall apply to each such separate licence as though it had been operative under the 1936-48 regulations ;

- (b) any licence granted under the 1936-48 regulations to a person other than a producer, and in force immediately before the commencement of these regulations, shall, in so far as it relates to raw milk, continue in force and have effect as if it were a licence granted by the appropriate licensing authority under and subject to the provisions of these regulations for the period ending on 31st December, 1949.

22. Any decisions, proceedings in connection with appeals, and other things made, taken or done in relation to a licence before the date of coming into operation of these regulations, or pending at that date, shall continue and have effect, as if they had been made, taken or done for the purposes of these regulations.

23. The provisions of section 8 of the Milk (Special Designations) Act, 1949 [see now section 25 of the Act of 1950], (which relate to breaches of certain conditions of licences held by retailers for specified areas), shall, so far as they relate to a dealer's licence under these regulations, other than a dealer's licence authorising the use of a special designation by a local authority, be enforced by the licensing authority.

24. Every licensing authority shall give such assistance and information to any other licensing authority as that other licensing authority may reasonably require for the purpose of carrying out their duties under these regulations.

Special conditions applicable to licences authorising the use of the designations "Tuberculin tested" and "Accredited"
The special conditions applicable to licences authorising the use of the special designations "Tuberculin tested" and "Accredited" are contained in the Second Schedule to the Raw Milk Regulations, *infra*.

Second Schedule, Milk (Special Designation) (Raw Milk) Regulations, 1949.

Interpretation

In this Schedule—

"bottle" means any container which has a capacity of not more than one quart and is of a type approved by the licensing authority and is closed and fastened in a manner satisfactory to that authority ;

PAGE

414-

449

" bulk container " means any container (other than a bottle sealed by a licensed producer ;

" retail container " means a bottle (as defined above) or other suitable container which has a capacity of not less than two gallons and which is sealed by a licensed dealer.

PART I.—TUBERCULIN TESTED

Special conditions subject to which licences authorising the use of the special designation " Tuberculin Tested " are granted

A. Conditions applicable to producers' licences only

1.—(a) if the herd at the time the licence is granted is an attested herd or if during the currency of the licence the herd becomes an attested herd it shall continue to be an attested herd and the licensed producer shall comply with the conditions prescribed in any scheme relating to attested herds made by the Minister of Agriculture and Fisheries.

(b) If the herd at the time the licence is granted is not an attested herd, every animal in the herd shall be submitted to a tuberculin test by a veterinary inspector at such times as may be required by the Minister of Agriculture and Fisheries. No animal shall be added to the herd unless it has passed a tuberculin test within fourteen days before it is so added, or, in the case of an animal taken directly from an attested herd or a herd in respect of which a licence authorising the use of the special designation " Tuberculin Tested " is in operation on the occasion of the last test in that herd. Within seven days after the addition of an animal other than an animal taken from any such herd, the certificate of a tuberculin test shall be sent to the Minister of Agriculture and Fisheries together with a notification of the date of the addition. The animal shall be segregated from the rest of the herd until it has been submitted to a tuberculin test by a veterinary inspector not earlier than 60 days after the date of its addition.

(c) No animal in the herd shall be injected with tuberculin otherwise than by a veterinary inspector acting under the direction of the Minister of Agriculture and Fisheries except with the consent of that Minister. No such animal shall be inoculated with live *Brucella abortus* except with a vaccine approved by the Minister of Agriculture and Fisheries.

(d) Where an animal is certified as reacting to the tuberculin test it shall forthwith be removed from the herd.

(e) All animals in the herd shall be suitably marked for the purposes of identification and a complete register of such animals shall be kept.

2. Every animal in the herd shall be submitted to an examination by a veterinary inspector at such times as may be required by the Minister of Agriculture and Fisheries.

3. Where an animal shows evidence of any disease which is likely to affect the milk injuriously it shall be segregated from the

PAGE

414-

449

rest of the herd or removed from the herd as the case may require, and while segregated or after removal, the special designation shall not be used in relation to its milk.

4. A record shall be kept of all animals segregated from the rest of the herd or removed from the herd in pursuance of any of the foregoing conditions showing the reasons for the segregation or removal, and in the case of removal, the manner in which the animal has been disposed of.

5. The herd shall be completely isolated from all other cattle.

6. The licensed producer shall give to a veterinary inspector any assistance which the veterinary inspector may reasonably request him to give for the purpose of a tuberculin test or an examination of animals.

7. The milk in relation to which the special designation is used shall—

(a) be placed in bottles by the licensed producer and the conditions of paragraph C.1. of this part of this Schedule shall apply ; or

(b) be placed by the licensed producer in unventilated bulk containers which shall be labelled or marked in a suitable manner with the address of the dairy farm, the day of production (with the word " morning " or " evening " or " mixed milk " added according to the time of milking) and the words " Tuberculin Tested Milk " ;

and shall be sold in such bottles or bulk containers.

B. Conditions applicable to dealers' licences only

1. Every licensed dealer who receives the milk in retail containers shall sell it in those containers with the seals or other fastening unbroken.

2. Every licensed dealer who receives the milk in bulk containers and breaks the seals thereof shall—

(a) transfer it to retail containers for sale therein ; or

(b) submit it forthwith to pasteurisation or despatch it in milk tankers or other suitable containers of not less capacity than two gallons, whether by way of sale or otherwise to an establishment for pasteurisation in accordance with the Milk (Special Designation) (Pasteurised and Sterilised Milk) Regulations, 1949.

3. When in accordance with the last preceding conditions milk is transferred from one container to another, it shall be so transferred as soon as practicable after the breaking of the seal of the first container and the other container shall be sealed forthwith upon the completion of the transfer.

C. Conditions applicable to producers' licences and dealers' licenses

1. Every bottle containing the milk in relation to which the special designation is used shall be tightly closed and shall be

PAGE

414- securely fastened either with a cap overlapping the lip of the
449 bottle or in some other suitable manner approved by the licensing authority. The cap shall bear the address of the premises at which the milk is bottled and the words " Tuberculin Tested Milk " and it may also bear—

- (a) the day of production, with or without the word " morning " or " evening " according to the time of production ;
- (b) the name of the licence holder by whom the milk was bottled ;
- (c) the words " Produced from cows which have passed the tuberculin test " ; and
- (d) subject to the approval of the licensing authority, the words " Farm Bottled ", if the milk has been produced and bottled by the producer at the premises mentioned in the licence.

Except with the consent of the licensing authority, the cap shall bear no other words.

If there is no cap on which the wording can suitably be placed, it shall be placed within a surrounding line in a prominent position elsewhere upon the bottle, and the foregoing provisions shall apply to the words within the surrounding line in the same way as they apply to the words on the cap.

2. Where a container other than a bottle is used, it shall be closed with a tightly fitting cover and shall be suitably sealed and labelled.

3. The milk in relation to which the special designation is used shall not at any stage have been treated by heat or in any manner likely to affect its nature or qualities.

4. The milk shall be produced, handled, treated, stored and distributed as the case may be under such conditions that—

- (a) any sample of milk in relation to which the special designation is used ; and
- (b) any sample of milk from the herd in respect of which a licence authorising the use of the special designation is in force (whether the designation is used in relation to that milk or not), if the sample is taken before the milk has been placed in bottles or other containers for delivery to the consumer or while it is in possession of the producer or before the containers in which it is consigned to a distributor as defined in Milk and Dairies Regulations, 1949, are opened by that distributor,

shall, if the sample has been taken, transported, and kept in accordance with Part I of the Third Schedule to these regulations, satisfy the test prescribed in Part II of that Schedule.

PART II.—ACCREDITED

Special conditions subject to which licences authorising the use of special designation " Accredited " are granted

A. Conditions applicable to producers' licences only

1. Every milch cow belonging to the herd shall be submitted to an examination by a veterinary inspector at such times as may

PAGE

414-

449

be required by the Minister of Agriculture and Fisheries, and the licensed producer shall give to the veterinary inspector any assistance which the veterinary inspector may reasonably request him to give for the purpose of any such examination.

2. Where an animal shows evidence of any disease which is likely to affect the milk injuriously it shall be segregated from the rest of the herd or removed from the herd as the case may require and while segregated or after removal the special designation shall not be used in relation to its milk. A record shall be kept of all animals so segregated or removed showing the reasons for the segregation or removal, and in the case of removal, the manner in which the animal has been disposed of.

3. The herd shall not at any time contain any animal which to the knowledge of the licensed producer had, before its introduction into the herd, been tested with tuberculin and had re-acted to the test.

4. All milch cows belonging to the herd shall be suitably marked for purposes of identification and a complete register of such cows shall be kept.

5. The cows in milk belonging to the herd shall be kept separate from all other cows in milk.

6. The milk in relation to which the special designation is used shall—

(a) be placed in bottles by the licensed producer and the conditions of paragraph B. 2 of this part of this Schedule shall apply ; or

(b) be placed by the licensed producer in unventilated bulk containers which shall be labelled or marked in a suitable manner with the address of the dairy farm, the day of production (with the word "morning" or "evening" or "mixed milk" added according to the time of milking) and the words " Accredited Milk " ;

and shall be sold in such bottles or bulk containers.

B. Conditions applicable to producers' licences and dealers' licences

1. The milk in relation to which the special designation is used, unless it is delivered to the consumer in the containers in which it is received, with the seals unbroken, shall be delivered either in bottles or in other suitable containers of not less capacity than two gallons.

2. Every bottle containing the milk in relation to which the special designation is used shall be tightly closed, and shall be securely fastened either with a cap overlapping the lip of the bottle, or in some other suitable manner approved by the licensing authority. The cap shall bear the address of the premises at which the milk is bottled and the words " Accredited Milk " and it may also bear—

(a) the day of production, with or without the word " morning " or " evening " according to the time of production ; and

PAGE

414-

449

- (b) the name of the licence holder by whom the milk was bottled.

Except with the consent of the licensing authority the cap shall bear no other words.

If there is no cap on which the wording can suitably be placed, it shall be placed within a surrounding line in a prominent position elsewhere upon the container, and the foregoing provisions shall apply to the words within the surrounding line in the same way as they apply to the words on the cap.

3. Where a container other than a bottle is used, it shall be closed with a tightly fitting cover and shall be suitably sealed and labelled.

4. The milk in relation to which the special designation is used shall not have been at any stage treated by heat or in any manner likely to affect its nature or qualities.

5. The milk shall be produced, handled, treated, stored, and distributed, as the case may be, under such conditions that—

- (a) any sample of milk in relation to which the special designation is used ; and

- (b) any sample of milk from the herd in respect of which a licence authorising the use of the special designation is in force (whether the designation is used in relation to that milk or not), if the sample is taken before the milk has been placed in bottles or other containers for delivery to the consumer or while it is in the possession of the licensed producer or before the containers in which it is consigned to a distributor as defined in Milk and Dairies Regulations, 1949, are opened by that distributor,

shall, if the sample has been taken, transported and kept in accordance with Part I of the Third Schedule to these regulations, satisfy the test prescribed in Part II of that Schedule.

Sampling and testing of "Tuberculin tested" and "Accredited" milk.—The Second Schedule to the Raw Milk Regulations, *supra*, requires a sample of "Tuberculin tested" or "Accredited" milk, if taken, transported and kept in accordance with Part I of the Third Schedule, *infra*, to satisfy the methylene blue reduction test as prescribed in Part II of the Third Schedule, *infra*.

Third Schedule, Milk (Special Designation) (Raw Milk) Regulations, 1949.

PART I.—PROVISIONS AS TO SAMPLING

Taking of Samples

1. Samples shall be taken at any time—

- (a) when the milk (whether the special designation is used in relation to that milk or not) is in the possession of the licensed producer ;
- (b) when the milk is in the possession of the licensed dealer and the special designation is being used in relation to that milk by him.

PAGE

414-

449

2. When the milk is in containers not exceeding one quart in capacity the sample shall consist of one such container which shall be delivered intact to the testing laboratory.

3. When the milk is in containers exceeding one quart in capacity it shall be thoroughly stirred before sampling. The sample shall be taken from well below the surface of the milk. The instruments used for stirring and sampling shall be sterile.

4. The sample shall be poured into a sterile bottle which shall thereupon be immediately stoppered. The part of the stopper which may come into contact with the milk shall be sterile.

Transport and Keeping of Samples

5.—(a) The bottle or container containing any sample of milk to which sub-paragraph C. 4 (b) of Part I or sub-paragraph B 5 (b) of Part II of the Second Schedule applies, shall be transferred forthwith to an insulated container, which shall not be artificially cooled, for transport to the laboratory. The sample shall be transported to the testing laboratory with the least possible delay. Upon arrival at the laboratory the sample shall be kept at atmospheric shade temperature until 6 p.m. on the day of production where the sample is from a morning milking, or until 10 a.m. on the day following production where the sample is from an evening milking : provided that for this purpose a sample of mixed milk from a morning milking and the evening milking of the previous day shall be regarded as a sample from the morning milking, and a sample of mixed milk from two milkings on one and the same day shall be regarded as a sample from the evening milking.

(b) Where the test of a sample to which this paragraph refers cannot be immediately begun at the end of the period for which the sample is to be kept the sample shall be cooled to and kept at a temperature between 32° F. and 40° F. for a further period not exceeding 24 hours and the test shall be begun at the end of that period.

6.—(a) The bottle or container containing any sample of milk other than a sample to which the preceding paragraph refers shall, save where the testing laboratory is situated on the premises where the sample is taken, be transferred forthwith to an insulated container, which shall not be artificially cooled, for transport to the testing laboratory : provided that unless this sample is to be delivered to the testing laboratory within two hours of the time of sampling, the sample shall be well packed in ice in a carrying box for transport to that laboratory. Samples shall be transported to the testing laboratory with the least possible delay.

(b) On arrival at the testing laboratory any such sample of milk shall be removed from the insulated container or iced carrying box, as the case may be, and, if the test is not then immediately begun, the milk shall be cooled to and kept at a temperature between 32° F. and 40° F. for a period not exceeding 24 hours and the test shall be begun at the end of that period. Where any such sample does not arrive at the testing laboratory on the day on which it is taken it shall be discarded unless—

PAGE

414-

449

- (i) the licensing authority deal with the sample in accordance with the foregoing requirements as though it had arrived at that laboratory on the day on which it was taken and
- (ii) the sample is delivered to the testing laboratory on the day following that on which it was taken.

Identification of Samples

7. For the purpose of the identification of the sample in the laboratory the person taking the sample shall mark it with a number or other suitable identification mark and shall at the time of sampling enter in a book or on a paper, which shall accompany the sample, the following particulars :—

- (a) the identification number or mark ;
- (b) the name and address of the holder of the licence by whom the milk was consigned, or by whom it was being delivered, or on whose premises the sample was taken ;
- (c) if known, the date of milking and whether milk of the morning or evening milking or mixed milk and for this purpose milk produced before 12 noon on any day shall be treated as morning milk ; milk produced at or after 12 noon on any day shall be treated as evening milk.

PART II.—METHYLENE BLUE REDUCTION TEST

Reagent

1. Methylene Blue tablets manufactured under arrangements made by the Minister of Food shall be used for the test. A solution shall be prepared by adding one tablet to 200 ml. of cold, sterile, glass-distilled water in a sterile flask, and by shaking until the tablet is completely dissolved and making up the solution to 800 ml. with cold, sterile, glass-distilled water.* The resultant solution shall be stored in a sterile, stoppered flask* in a cool, dark place, and shall not be used if—

- (a) it has been exposed to sunlight ; or
- (b) a period of two months has elapsed since the date of preparation.

2. The amount of methylene blue required for a day's work shall be poured off from the stock bottle into a suitable glass container. The pipette used for transferring the methylene blue solution to the tubes of milk shall not be introduced into the stock bottle.

Apparatus

3.—(a) Test tubes shall conform to the British Standard Specification No. 625 (1935) 152/16 Nominal 6 in. by $\frac{5}{8}$ in., having an internal diameter of $13.5 \pm .5$ mm., and being accurately marked at 10 ml. They shall be plugged with cotton wool, or covered with closely fitting aluminium caps, or stored in such other way as may prevent contamination.

(b) Pipettes shall be 1.0 ml. straight-sided blow out delivery pipettes and shall be plugged with cotton wool at the upper end.

(c) Glassware, and rubber stoppers, shall be sterile before use.

* These words were substituted for the original words by the Milk (Special Designation) (Raw Milk) (Amendment) Regulations, 1950 ; S. I. 1950, N.410.

PAGE

414-

449

Method of Carrying out the Test

4. The sample of milk shall be thoroughly mixed by inverting and shaking the sample bottle and the milk shall then be poured into a test tube up to the 10 ml. mark, leaving one side of the interior unwetted with milk. 1 ml. of methylene blue solution shall be added without letting the pipette come into contact with the milk in the tube or with the wetted side of the interior of the tube. After a lapse of 3 seconds, the solution remaining in the tip of the pipette shall be blown out. The tube shall be closed with a rubber stopper with aseptic precautions. The tube shall then be slowly inverted twice so that the whole column of contained air rises above the level of the milk, and placed within 5 minutes in a water bath. The water in the bath shall be kept above the level of the milk in the test tubes, and its temperature, which shall be between 37°C. and 38°C. , shall be maintained as nearly uniform as possible by means of a reliable automatic thermo-regulator. The interior of the bath shall be kept completely dark.

5. To indicate when decolourisation is commencing, and when it is complete, two control tubes shall be used for comparison with each batch of tubes containing the milk under test. One control tube shall be prepared by immersing in boiling water for not less than three minutes a properly plugged test tube containing 1 ml. of tap-water and 10 ml. of a mixture of milk having a fat content and colour similar to that of the milk being tested, and a second control tube shall be prepared by immersing in boiling water for not less than three minutes a properly plugged test tube containing 1 ml. of methylene blue solution and 10 ml. of a mixture of milk having a fat content and a colour similar to that of the milk being tested.

6. The tubes containing the milk under test and the control tubes shall be inspected at half-hourly intervals. At these inspections—

- (a) any tube in which the milk has become decolourised shall be removed from the water bath ;
- (b) any tube in which decolourisation has begun shall remain without inversion in the water bath until decolourisation is complete ; and
- (c) all other tubes in the water bath shall be inverted once and replaced.

7. The time, within the limits of $4\frac{1}{2}$ hours or $5\frac{1}{2}$ hours, as the case may be, at which decolourisation is observed, shall be recorded.

8. The milk shall be regarded as decolourised when the whole column of milk is completely decolourised or is decolourised up to within 5 mm. of the surface. A trace of colour at the bottom of the tube may be ignored provided that it does not extend upward for more than 5 mm.

Interpretation

9. A sample shall be regarded as satisfying the methylene blue reduction test if, between 1st May and 31st October, it fails to decolourise the methylene blue in $4\frac{1}{2}$ hours or if, between 1st November and 30th April, it fails to decolourise the methylene blue in $5\frac{1}{2}$ hours.

SPECIAL DESIGNATIONS IN RESPECT OF HEAT
TREATED MILK

The conditions governing the issue of licences to use the special designations "Pasteurised" and "Sterilised", are contained in the Milk (Special Designation) (Pasteurised and Sterilised) Milk Regulations, 1949 (S.I. 1949, No. 1589). In these Regulations, the expression "*milk*" means cow's milk, but does not include cream, or separated, skimmed, dried, condensed or evaporated milk, or buttermilk; "*raw milk*" means milk which has not been treated by heat; and "*sell*" includes offer or agree to sell or expose for sale, and "*sale*" is construed accordingly—Reg. 2 (1).

Use of special designations and granting of licences.—Reg. 3, *infra*, limits the special designations applicable to heat treated milk, to "Pasteurised" and "Sterilised". Where a person holds a licence, under the Milk (Special Designation) (Raw Milk) Regulations, 1949, to apply the designation "Tuberculin Tested" to raw milk, and also a licence to use the designation "Pasteurised" or "Sterilised", he may combine the two designations, using block letters of an even size, thus: "Tuberculin Tested Milk (Pasteurised)", or "Tuberculin Tested Milk (Sterilised)".

Regulation 3, Milk (Special Designation) (Pasteurised and Sterilised Milk) Regulations, 1949.

3.—(1) The special designations which may be used in accordance with these regulations in relation to milk are "Pasteurised" and "Sterilised".

(2) Where milk in relation to which the special designation "Pasteurised" or "Sterilised" may be used was, immediately before pasteurisation or sterilisation, as the case may be, milk in relation to which the use of the special designation "Tuberculin Tested" was authorised under the Milk (Special Designation) (Raw Milk) Regulations, 1949, any person holding licences under the last mentioned regulations and under these regulations authorising him to use the special designations (a) "Tuberculin Tested" and "Pasteurised", or (b) "Tuberculin Tested" and "Sterilised", may use in relation to the said milk in case (a) above the special designation "Pasteurised" enclosed in brackets and immediately preceded by the words "Tuberculin Tested Milk", and in case (b) above the special designation "Sterilised" enclosed in brackets and immediately preceded by the words "Tuberculin Tested Milk". In each case the said wording shall be printed in block letters of an even size.

PAGE

414- *Licensing authorities.*—Licences authorising the use of the
 449 special designations “Pasteurised” and “Sterilised” are granted by the following authorities—

- | | |
|---|---|
| (i) In relation to milk pas-
teurised or sterilised on
the applicant's premises } | Food and drugs authority—
see p. 19 in the Main Work. |
| (ii) In relation to milk sold
outside the area of the
food and drugs author-
ity granting the princi-
pal licence } | The appropriate local authority
—see p. 18 in the Main Work. |
| (iii) In relation to milk sold
otherwise than from the
premises where the milk
is pasteurised or steri-
lised } | do. |
| (iv) Licences granted to a
county council or local
authority. Reg. 4. } | Minister of Food. |

Operation of licence.—Except in the case of milk sold by wholesale, a licence (other than one granted by the Minister of Food), authorises the use of the special designation “Pasteurised” or “Sterilised” only in relation to milk sold at or from the premises mentioned in the licence and only within the licensing area of the licensing authority—Reg. 4 (2). This procedure is different from that contained in the revoked Milk (Special Designations) Order, 1936, which permitted the sale of pasteurised milk not only from the premises where the milk was pasteurised but from any other place within the area of the licensing authority. Where the holder of a licence authorising him to sell milk as “Pasteurised” or “Sterilised” from premises within the area of one licensing authority, desires to sell milk under such designations within the area of another licensing authority, he must apply to that authority for a supplementary licence—Reg. 4 (3).

Form of licence.—Licences must be in the form specified in the Fifth Schedule to the Regulations, *infra*, and subject to the provisions of the Regulations, remain in force until the 31st December in the year in respect of which they are granted—Reg. 5.

PAGE

414-

449

Milk (Special Designation) (Pasteurised and Sterilised Milk) Regulations, 1949.

FIFTH SCHEDULE

FORM A

Milk (Special Designation) (Pasteurised and Sterilised Milk) Regulations, 1949

Dealer's (Pasteuriser's) Licence authorising the use of the special designation " Pasteurised "

The _____ of _____
hereby authorise _____
to use the special designation " Pasteurised " in relation to milk
which has been pasteurised at _____
in accordance with the conditions prescribed in the Milk (Special
Designation) (Pasteurised and Sterilised Milk) Regulations, 1949.

This licence is not transferable and is subject to the conditions
prescribed in the above-named Regulations, and unless sus-
pended or revoked will operate until the _____ day of _____
, 19 _____.

This licence does not authorise the holder to use the above-
named designation in relation to milk sold outside the area of the
licensing authority except in relation to milk sold by wholesale.

Dated this _____ day of _____, 19 _____

Clerk to the _____ Council.

FORM B

Milk (Special Designation) (Pasteurised and Sterilised Milk) Regulations, 1949

Dealer's (Steriliser's) Licence authorising the use of the special designation " Sterilised "

The _____ of _____
hereby authorise _____
to use the special designation " Sterilised " in relation to milk
treated by the sterilising process at _____
in accordance with the conditions prescribed in the Milk (Special
Designation) (Pasteurised and Sterilised Milk) Regulations, 1949.

This licence is not transferable and is subject to the conditions
prescribed in the above-named Regulations, and unless suspended
or revoked will operate until the _____ day of _____
, 19 _____.

This licence does not authorise the holder to use the above-
named designation in relation to milk sold outside the area of the
licensing authority except in relation to milk sold by wholesale.

Dated this _____ day of _____, 19 _____

Clerk to the _____ Council.

PAGE
414-
449

FORM C

*Milk (Special Designation) (Pasteurised and
Sterilised Milk) Regulations, 1949*

*Dealer's Licence authorising the use of the special
designation " Pasteurised " **

The
hereby authorise _____ of
(referred to herein as the dealer) to use the special designation
" Pasteurised " in relation to milk which is obtained by the
dealer as " Pasteurised " from premises in respect of which a
licence authorising the use of that designation in relation to it is
in force and is sold or intended for sale at or from _____.

This licence is not transferable and is subject to the conditions
prescribed in the Milk (Special Designation) (Pasteurised and
Sterilised Milk) Regulations, 1949, and unless suspended or
revoked will operate until the _____ day of
_____, 19 _____.

This licence does not authorise the holder to use the above-
named designation in relation to milk sold outside the area of the
licensing authority except in relation to milk sold by wholesale.

Dated this _____ day of _____, 19 _____.

Clerk to the _____ Council

FORM D

*Milk (Special Designation) (Pasteurised and
Sterilised Milk) Regulations, 1949*

*Supplementary Licence authorising the use of the
special designation " Pasteurised " ***

The
hereby authorise _____ of
being the holder of the licence (referred to herein as the principal
licence) dated _____ and granted by
_____ to which this supplementary licence is appended, †
to use the special designation " Pasteurised " in the
‡ in relation to milk to which the principal

* A similar form with appropriate modifications is to be used for
licences for the use of the special designation " Sterilised " in relation
to milk sold by a dealer at or from premises not covered by a licence in
Form B.

** A similar form with appropriate modifications is to be used for
supplementary licences for the use of the special designation "Sterilised".

† If preferred the licence may be endorsed on the principal licence.

‡ Insert name of the district.

PAGE

414-

449

licence applies and which is sold by retail from the premises specified in that licence.

This supplementary licence is subject to the conditions prescribed in the Milk (Special Designation) (Pasteurised and Sterilised Milk) Regulations, 1949, and unless suspended or revoked will operate during the period of operation of the principal licence.

Dated this _____ day of _____, 19 _____

Clerk to the _____ Council.

Applications for licences to use the designations " Pasteurised " and " Sterilised ", must be in writing, and where the application is not in respect of a licence to use the designation at or from the premises at which the milk is heat treated, the applicant must state the name and address of the licensed dealer from whom he proposes to obtain his milk—Reg. 6.

General conditions relating to the issue of licences.—Licences to use the designations " Pasteurised " or " Sterilised " are subject to the general conditions contained in the First Schedule to the Regulations, *infra*.—Reg. 8.

First Schedule, Milk (Special Designation) (Pasteurised and Sterilised Milk) Regulations, 1949.

General conditions subject to which licences are granted

1. The holder of the licence shall so maintain and operate his arrangements and processes for the handling, treatment, storage and distribution of milk as to comply with all relevant provisions contained in any Milk and Dairies Regulations and Milk (Special Designation) Regulations, including these regulations.

2. The holder of the licence shall take such measures as are adequate to ensure that the milk to which the licence applies is kept apart from all other milk at all times except when it is in separate sealed containers. In particular, he shall ensure that any vessel or apparatus which has been used for any other milk whether raw milk or not shall be cleansed in accordance with the provisions of the Milk and Dairies Regulations, 1949, on each occasion before it is used for the milk to which the licence applies : provided that such cleansing may be dispensed with in any case where, having regard to the special designation next to be used, the licensing authority so permits.

3. Subject to the provisions of these regulations the holder of the licence shall not for the purpose of the sale or advertisement of the milk to which the licence applies refer to it by any such

PAGE

414- description (other than the special designation authorised by the
449 licence) as is likely to suggest that it is tested, approved or graded
by any competent person.

4. The holder of the licence shall—

- (a) keep accurate records of the quantities of the milk purchased and sold and of the names and addresses of the persons from whom the milk was purchased and to whom it was sold otherwise than by retail ;
- (b) retain such records for a period of twelve months from the date of the transaction to which the record relates ;
- (c) permit any person duly authorised by the licensing authority—
 - (i) to inspect his arrangements and processes for the handling, treatment, storage and distribution of the milk at any place at which the milk is under the control of the holder of the licence ;
 - (ii) to take samples of the milk free of charge at any such place, and
 - (iii) to inspect any records which the holder is required to keep by the conditions subject to which the licence was granted.

With regard to paragraph 2 of the First Schedule, *supra*, which requires milk to which a licence applies to be kept apart from other milk, the Ministry of Food have intimated to food and drugs authorities that there is no objection to undesignated milk and designated milk or to two or more kinds of designated milk being handled, etc., on the same premises provided that adequate arrangements are made to prevent the milk to which the designation applies being contaminated by any other milk, and it is considered that the cleansing of vessels and plant can be dispensed with when the circumstances are such as to exclude any possibility of contamination of the designated milk by any other milk. The use of vessels and plant for handling *accredited milk* immediately after such vessels, etc., have been used for handling *tuberculin tested milk* would fall into this category ; on the other hand, the handling of pasteurised milk immediately after raw milk (whether designated or not) should not be permitted, as in such circumstances there may be some risk of contamination of the pasteurised milk by the unpasteurised milk—Ministry of Food Circular, M.F. 15/49, para. 16—31st August, 1949.

Refusal, suspension or revocation of licences.—The licensing authority may refuse to grant a licence if they are not satisfied that the applicant's arrangements and processes for the handling, treatment, storage and distribution of

PAGE

- 414- milk, as the case may be, are such as to comply with the
 449 relevant provisions of the Milk and Dairies Regulations and Milk (Special Designation) Regulations—Reg. 7. The procedure for the refusal, suspension or revocation of licences to use the designations “ Pasteurised ” or “ Sterilised ”, are contained in Part III of the Regulations, *infra*.

Part III, Milk (Special Designation) (Pasteurised and Sterilised Milk) Regulations, 1949.

Refusal, suspension and revocation of licences, and appeals arising therefrom

9.—(1) The licensing authority shall not revoke a licence being a licence to which section 8 of the Milk (Special Designations) Act, 1949, applies (that is to say, a licence held by a retailer for a specified area) or refuse a grant of a licence by way of renewal of any such licence on the ground of breach of a condition thereof unless—

- (a) the breach in question is of a condition to which section 8 as aforesaid applies ;
- (b) the holder of the licence has been convicted of an offence under that section by virtue of the breach in question, or has been convicted within twelve months before the time of the breach in question or after the time of it, of an offence under section 1, 2 or 4 of the aforesaid Act, of an offence under section 21 of the Food and Drugs Act, 1938, or of an offence under Milk and Dairies Regulations for which a penalty is thereby imposed ; and
- (c) the decision of the licensing authority to revoke or to refuse renewal, as the case may be, is made within twelve months from the date of the breach in question.

(2) The licensing authority shall not suspend a licence being a licence held by a retailer for a specified area on the ground of breach of a condition thereof, by virtue of any one decision by the licensing authority, for a period of more than 3 months, but the period of suspension awarded by any such decision may be extended by a subsequent such decision made in accordance with the provisions of the next succeeding regulation.

10.—(1) Subject, as respects suspension or revocation of a licence which is a licence held by a retailer for a specified area, to the provisions of the preceding regulation, the licensing authority may suspend or revoke a licence on the ground of any breach of condition thereof being a breach by virtue of which the holder has been convicted of an offence under section 8 of the Milk (Special Designations) Act, 1949, or which, not being such a breach as aforesaid, is proved (in a case referred to a tribunal by virtue of the subsequent provisions of these regulations) by the finding of the tribunal, or (in any other case) to the satisfaction of the licensing authority.

PAGE

414-
449

(2) The following provisions shall apply where a licensing authority, other than the Minister, propose to suspend or revoke a licence or to refuse to grant a licence :—

- (a) The authority shall serve on the person affected a notice informing him of their proposal and the reasons therefor, and of his right under the next succeeding sub-paragraph.
- (b) The person affected may within 14 days after the receipt of such a notice require the authority to afford him an opportunity of being heard by the appropriate committee of the authority and the authority shall comply with any such requirement before making their decision.
- (c) Any such hearing by a committee shall be in public and the person affected shall be entitled to be heard by himself or by counsel or a solicitor or other representative as he may elect, and he or his representative shall be entitled to call witnesses and to cross-examine witnesses called by another.
- (d) Where the decision of the authority is adverse to the person affected that person may within 14 days after being notified of that decision appeal to the Minister and the authority shall give notice of such right together with notice of their decision.
- (e) A decision of the licensing authority to suspend or revoke a licence shall not have effect until 14 days after the receipt by the person affected of notice thereof and in the event of an appeal against the decision until the end of the year in respect of which the licence was granted or until the determination of the appeal whichever is the earlier.
- (f) The Minister on any such appeal, before making his decision, shall, by notice, afford to the person affected an opportunity of making representations within a period of 14 days, and where the issue is as to revocation or suspension of a licence held by a retailer for a specified area or refusal of a grant of a licence by way of renewal of such a licence and the person affected so requests, the Minister shall refer the matter to a tribunal in accordance with the provisions of the Fourth Schedule to these regulations and shall consider the report of that tribunal before making his decision.
- (g) In any such appeal any reference in these regulations to anything being done to the satisfaction of the licensing authority shall be treated as if the reference were to the satisfaction of the Minister who in determining any such appeal may, if he thinks fit, take into consideration any change of circumstances brought about since the date of the licensing authority's decision.
- (h) The decision of the Minister on any such appeal shall be final and the licensing authority shall comply therewith.

(3) Where the Minister acting as a licensing authority proposes to revoke or suspend a licence or to refuse to grant a licence he shall serve on the council affected a notice informing them of his proposal and the reasons therefor and shall by notice afford such

PAGE

414- council an opportunity of making representations within a period
449 of 14 days, and where the issue is as to revocation or suspension of a licence held by a retailer for a specified area or refusal of a grant of a licence by way of renewal of such a licence and the council affected so requests, the Minister shall refer the matter to a tribunal in accordance with the provisions of the Fourth Schedule to these regulations and shall consider the report of that tribunal before making his decision.

(4) Where before the end of the period for which a licence was granted the holder of the licence applies for a grant of a licence in renewal thereof and his application is not finally determined before the end of the said period, the existing licence shall, subject to any suspension under these regulations, remain in force until his application is so determined, and where the application is refused by the licensing authority—

- (a) during the currency of a period when representations may be made against the licensing authority's proposed decision to suspend or revoke the existing licence ;
- (b) during the currency of an appeal to the Minister against a decision by a licensing authority, other than the Minister, to suspend or revoke the existing licence ;
- (c) in the case of a retailer for a specified area, after he has requested a reference to a tribunal and before the consideration of that reference by the tribunal ;

such representations, appeal or reference, as the case may be, shall be deemed to include representations, an appeal or reference in respect of such refusal.

11. Where under these regulations any issue is referred to a tribunal the constitution and procedure of the tribunal shall conform with the provisions of the Fourth Schedule to these regulations.

As to the special provisions relating to designated licences in " specified areas ", see *post*, p. 180 in this Supplement.

Miscellaneous provisions relating to heat treated milk designations.—The following miscellaneous provisions relate to the special designations " Pasteurised " and " Sterilised ".

Part IV, Milk (Special Designation) (Pasteurised and Sterilised Milk) Regulations, 1949.

Miscellaneous Provisions

12. Where milk is brought from Scotland into England or Wales a licence granted in pursuance of an Order made by the Secretary of State for Scotland and authorising the use of a special designation corresponding to a special designation prescribed by these regulations in relation to that milk shall have effect as if it had been granted under these regulations, and so far

PAGE

414-
449

as any conditions prescribed in these regulations for a licence authorising the use of that designation would relate to anything to be done before the milk enters England and Wales, they shall be deemed to be satisfied if the corresponding conditions of the Scottish Order are complied with.

13. Notwithstanding anything in these regulations and without prejudice to section 38 of the Interpretation Act, 1889, any licence authorising the use of the special designation "Pasteurised" granted under the Milk (Special Designations) Regulations, 1936 to 1948, and in force immediately before the commencement of these regulations, shall continue in force and have effect as if it were a licence granted by the appropriate licensing authority under and subject to the provisions of these regulations for the period ending on the 31st December, 1949.

14. Any decisions, proceedings in connection with appeals, and other things made, taken or done in relation to a licence before the date of coming into operation of these regulations, or pending at that date, shall continue and have effect as if they had been made, taken or done for the purposes of these regulations.

15. The provisions of section 8 of the Milk (Special Designations) Act, 1949, (which relate to breaches of certain conditions of licences held by retailers for specified areas) shall, so far as they relate to licences under these regulations, other than licences authorising the use of a special designation by a local authority, be enforced by the licensing authority.

16. Every licensing authority shall give such assistance and information to any other licensing authority as that other licensing authority may reasonably require for the purpose of carrying out their duties under these regulations.

Special conditions applicable to licences authorising the use of the special designations "Pasteurised" and "Sterilised".—The special conditions applicable to licences authorising the use of the designations "Pasteurised" and "Sterilised", are contained in the Second Schedule to the Regulations, *infra*.

Second Schedule, Milk (Special Designation) (Pasteurised and Sterilised Milk) Regulations, 1949.

PART I.—PASTEURISED

The following conditions apply to milk in relation to which the special designation "Pasteurised" is used :—

1. The milk shall be pasteurised, that is to say,
 - (a) retained at a temperature of not less than 145° F. and not more than 150° F. for at least thirty minutes and be immediately cooled to a temperature of not more than 50° F. ;
 - or

PAGE

414-

449

(b) retained at a temperature of not less than 161° F. for at least fifteen seconds and be immediately cooled to a temperature of not more than 50° F. ; or

(c) retained at such temperature for such period as may be specified by the licensing authority with the approval of the Minister.

2. The whole of the apparatus in which the milk is pasteurised, including the cooler, shall be so constructed as to secure the protection of the milk from risk of atmospheric contamination by dust or otherwise.

3. As from such date as the Minister shall appoint, the temperature of the milk or of the medium by which the milk is to be maintained at any temperature shall be automatically controlled.

4. Any apparatus in which the milk is to be heated to and maintained at a temperature of more than 150° F. shall be provided with a device which shall automatically divert the flow of any milk which is not raised to the authorised temperature.

5.—(1) Such indicating and recording thermometers as the licensing authority shall consider necessary shall be installed in suitable places in the apparatus in which the milk is pasteurised so as to indicate the temperatures at which the milk is retained and to which the milk is cooled.

(2) The records of recording thermometers shall be dated and shall be preserved for a period of not less than one month.

6.—(1) A sample of the milk taken in accordance with Part I of the Third Schedule after pasteurisation and before delivery to the consumer shall satisfy the phosphatase test prescribed in Part II of that Schedule.

(2) A sample of the milk taken in accordance with Part I of the Third Schedule after pasteurisation and on the day of but before delivery to the consumer shall, if it is kept in an insulated container without artificial cooling until it reaches the laboratory, satisfy the methylene blue test prescribed in Part III of that Schedule.

7.—(1) As from the 1st October, 1950, until 1st October, 1954, milk which is pasteurised in bottles shall be delivered to the consumer in those bottles, and milk which is pasteurised in containers other than bottles shall be put into the containers in which it is to be delivered to the consumer only (i) by a person holding a licence under these regulations to use the special designation " Pasteurised " in relation to that milk and (ii) on the premises named in that person's licence.

(2) As from 1st October, 1954, milk which is pasteurised in bottles shall be delivered to the consumer in those bottles, and milk which is pasteurised in containers other than bottles shall be put into the containers in which it is to be delivered to the consumer at the premises at which it is pasteurised, and as soon as possible after pasteurisation.

PAGE

414-
449

(3) As from such date as the Minister shall appoint every container in which the milk is transported, exposed or offered for sale shall be tightly closed and securely fastened with a cap or cover overlapping the lip of the container or in some other suitable manner approved by the licensing authority. Where churns are used they shall also be suitably sealed.

(4) Every container in which the milk is transported, exposed or offered for sale shall be conspicuously and legibly labelled or marked with the words "Pasteurised Milk" or "Tuberculin Tested Milk (Pasteurised)" as the case may be.

PART II.—STERILISED

The following conditions apply to milk in relation to which the special designation "Sterilised" is used :—

1. The milk shall be filtered or clarified, homogenised and heated to and maintained at such a temperature, not less than 212° F., for such a period as to ensure that it will comply with the turbidity test prescribed in Part IV of the Third Schedule.

2. The milk shall be treated as aforesaid in bottles in such a manner that on completion of the treatment the bottles shall be sealed with an airtight seal.

3. Such thermometers and pressure gauges as the licensing authority shall consider necessary shall be installed in suitable places in the apparatus so as to indicate the temperature or pressure to which the milk is raised or subjected, as the case may be.

4. A sample of the milk taken in accordance with Part I of the Third Schedule after treatment and before delivery to the consumer shall satisfy the turbidity test prescribed in Part IV of that Schedule.

5. Every bottle in which the milk is transported, exposed or offered for sale shall be conspicuously and legibly labelled or marked with the words "Sterilised Milk" or "Tuberculin Tested Milk (Sterilised)" as the case may be.

It should be noted that, for the first time, discretionary power is given to a food and drugs authority, with the Minister's approval, to approve any other time and temperature, a provision which will enable advantage to be taken of new methods of heat treatment which tests have shown to be satisfactory. It will also be seen that the minimum temperature under the H.T.S.T. process has been reduced by 1° F. Under properly operated conditions there is, on present evidence, no risk to health but the change will result in an improved "cream line" on the milk and it is hoped will help to popularise pasteurised milk among consumers—Ministry of Food Circular M.F. 15/49, 31st August, 1949.

PAGE

- 414- *Sampling and testing of "Pasteurised" and "Sterilised"*
449 *milk.*—The Third Schedule to the Regulations, *infra*, contains the provisions relative to the sampling of "Pasteurised" and "Sterilised" milk, together with the prescribed tests.

Third Schedule, Milk (Special Designation) (Pasteurised and Sterilised Milk) Regulations, 1949.

PART I.—PROVISIONS AS TO SAMPLING

Taking of samples

1. Samples shall be taken at any time—
 - (a) when the milk (whether the special designation is used in relation to that milk or not) is in the possession of the pasteuriser or steriliser, as the case may be ;
 - (b) when the milk is in the possession of the licensed dealer and the special designation is being used in relation to that milk by him.
2. When the milk is in containers not exceeding one quart in capacity the sample shall consist of one such container which shall be delivered intact to the testing laboratory.
3. When the milk is in containers exceeding one quart in capacity it shall be thoroughly stirred before sampling. The sample shall be taken from well below the surface of the milk. The instruments used for stirring and sampling shall be sterile.
4. The sample shall be poured into a sterile bottle which shall thereupon be immediately stoppered. The part of the stopper which may come into contact with the milk shall be sterile.

Transport of samples

5. Save where the testing laboratory is situated on the premises where the sample is taken, the bottle or other container containing the sample shall be transferred forthwith to an insulated container, which shall not be artificially cooled, for transport to the testing laboratory.
6. Samples shall be transported to the testing laboratory with the least possible delay and shall be delivered there on the day on which they are taken. If the sample does not arrive on the same day it shall be discarded.

Identification of samples

7. For the purpose of the identification of the sample in the laboratory the person taking the sample shall mark it with a number or other suitable identification mark and shall at the time of sampling enter in a book or on a paper, which shall accompany the sample, the following particulars :—
 - (a) the identification number or mark ;
 - (b) the name and address of the holder of the licence by whom the milk was consigned, or by whom it was being delivered, or on whose premises the sample was taken.

PART II.—THE PHOSPHATASE TEST FOR PASTEURISED
MILK

1. Samples of the milk shall be examined as soon as possible after arrival at the laboratory. If they are not examined immediately on arrival at the laboratory they shall be kept at a temperature of between 32° F. and 40° F. until examined. All samples shall be raised to room temperature immediately before being tested.

Precautions

2. The following precautions shall be taken :—

- (a) Samples which show a taint or clot on boiling shall not be tested.
- (b) Phenols, disinfectants and detergents containing phenols and soap containing carbolic acid shall be kept apart from the test reagents and apparatus.
- (c) Bottle caps made from phenolic resins shall not be used.
- (d) Rubber stoppers shall not be used until they have been shown by test not to contain phenolic impurities.
- (e) All glassware shall be clean before use.
- (f) A fresh pipette shall be used for each sample of milk. Pipettes shall not be contaminated with saliva.
- (g) All reagents shall be kept in a cool dark place and shall be well protected from dust.
- (h) Tests shall not be carried out in direct sunlight.
- (i) Freshly boiled distilled water shall be used throughout.

Reagents

3.—(1) Whenever possible reagents of analytical quality should be used.

(2) *Buffer-substrate*.—Solutions shall be prepared either—

- (a) by dissolving 1.09 g. of disodium phenyl phosphate and 11.54 g. of sodium veronal (sodium diethyl barbiturate) in distilled water saturated with chloroform, and by making up to one litre ; or
- (b) by adding one buffer-substrate tablet to about 45 ml. of boiling distilled water, boiling for exactly one minute, cooling rapidly, making up to 50 ml. with boiled distilled water and adding a few drops of chloroform.

The buffer-substrate solution shall be kept in a refrigerator. It may be used for a period not exceeding three days from the date of preparation.

(3) *Folin and Ciocalteu's phenol reagent (stock)*.—The reagent to be used shall be manufactured under arrangements made by the Minister or shall be prepared in the following manner :—

Dissolve 100g. of sodium tungstate $\text{Na}_2\text{WO}_4 \cdot 2\text{H}_2\text{O}$ and 25g. of sodium molybdate, $\text{Na}_2\text{MoO}_4 \cdot 2\text{H}_2\text{O}$, in 700 ml. of distilled water in a 1500 ml. flask connected to a reflux condenser by a ground glass joint, or, if that is not available, by a rubber

PAGE

414-

449

stopper or cork wrapped in tin foil provided that the solution shall not come into contact with the tin foil. Add 50 ml of syrupy (85%) phosphoric acid and 100 ml. of concentrated hydrochloric acid. Reflux the mixture gently for 10 hours, then cool, add 150g. of pure lithium sulphate, 50 ml. of distilled water and from 4-6 drops of liquid bromine and leave for two hours. Then remove the excess bromine by boiling the mixture under the hood without the condenser for 15 minutes. Cool, dilute to 1 litre with distilled water, and filter. If the finished reagent has a greenish tint, it shall be rejected ; if it has a golden yellow colour with no greenish tint it shall be considered fit for use. The reagent shall be stored in a refrigerator and be protected from contact with dust, metal or any reducing substance. After four months from the date of preparation any remaining reagent shall be discarded and a fresh stock reagent prepared.

(4) *Sodium Hexametaphosphate*.—The salt shall be used in the form of flakes. It shall be kept in a tightly stoppered bottle. If any white powder has formed during storage, the salt shall not be used until that powder has been removed by sifting. A 5 per cent. solution (weight per volume) shall be prepared by dissolving in warm water and making up to volume after cooling.

(5) *Test reagent*.—The test reagent shall be prepared by adding one volume of the stock solution of Folin and Ciocalteu's reagent to two volumes of the hexametaphosphate solution. If any precipitate appears in it, or in any case after four months from the date of preparation, any remaining test reagent shall be discarded and a fresh test reagent prepared.

(6) *Sodium Carbonate*.—A 14 per cent. solution (weight per volume) shall be made up of anhydrous sodium carbonate of analytical reagent quality.

Apparatus

4. The following apparatus shall be used :—

- (a) A water bath or incubator capable of being maintained at $37 \pm 1^\circ \text{C}$.
- (b) A pipette or an automatic burette to deliver 4.5 ml. The latter shall be made from dark glass or be painted a dark colour.
- (c) A supply of 1.0 ml. straight sided pipettes of an accuracy equal to that of N.P.L. grade B marked at 0.5 and 1.0 ml. plugged with cotton wool.
- (d) A supply of test tubes conforming to British Standard Specification No. 625 (1935) 152/16, accurately marked at 10 ml., with rubber stoppers to fit.
- (e) A supply of filter funnels, 5 cm. diameter.
- (f) A supply of Whatman filter papers, 9 cm. No. 40.
- (g) Either a Lovibond "all purposes" comparator with cell of 25 mm. depth and disc containing standard coloured glasses corresponding to 0.5, 1.5, 2.3 and 6.0 Lovibond blue units ; or a Lovibond tintometer with 13 mm. cell.

PAGE

414-

449

Care of Apparatus

5.—(1) After use each test tube shall be well washed in hot water containing soda, rinsed in hot clean water and then washed with 50 per cent. commercial hydrochloric acid. The acid wash shall be carried out by filling one tube with the acid and passing it from tube to tube, the acid being replenished when necessary. The tubes shall then be well rinsed again in hot clean water and dried.

(2) New glassware shall be cleaned in chromic acid prepared in the following manner :—Dissolve 90g. of powdered potassium bichromate in 200 ml. of hot water contained in a four litre conical flask. Cool, add two litres of commercial sulphuric acid (not less than 90 per cent.). Stir until the precipitate has dissolved. Keep the solution covered, and discard when it becomes green. After cleaning in chromic acid, new glassware shall be well rinsed in hot water and dried by evaporation.

(3) Funnels shall be washed in hot clean water.

(4) Pipettes shall be well rinsed in cold, clean water and shall be cleaned by soaking for 24 hours in chromic acid solution in a 250 ml. glass cylinder or other suitable container.

(5) Glassware used for the test shall not be used for any other purpose, and shall be kept apart from all other apparatus in the laboratory.

Method of carrying out the Test

6. The test shall be carried out in duplicate in the following manner :—

To 10 ml. of the buffer-substrate solution contained in a test tube, add 0.5 ml. of well mixed milk. Add 3 drops of chloroform, stopper the tube, mix the contents and incubate at $37 \pm 1^\circ \text{C}$. for 24 ± 2 hours. At the end of this time, cool, add 4.5 ml. of the test reagent, mix, allow to stand for 3 minutes, and filter into a test tube marked at 10 ml. If an automatic burette is used for delivery of the test reagent and has stood full of the reagent for more than 24 hours, the first two emptyings of the burette shall be discarded. To 10 ml. of the filtrate, add 2 ml. of sodium carbonate solution, mix, and place the test tube for exactly 2 minutes in a bath of boiling water which must be kept boiling. Where a number of tubes are being examined the period of two minutes shall be timed from the moment when the water has recommenced boiling. Cool and proceed to read the colour thus developed, using either the comparator or the tintometer.

Control Tests

7.—(1) All milk samples shall be kept in a refrigerator for 24 hours after the duplicate experimental tubes have been put into an incubator. When the test has been completed, control tests shall be carried out on all samples which have given a positive phosphatase reaction, in the following manner :—

PAGE

414-

449

Mix thoroughly 10 ml. of the buffer-substrate solution with 4.5 ml. of the test reagent, add 0.5 ml. of milk, and mix. Allow to stand for 3 minutes and filter into a test tube marked at 10 ml. To 10 ml. of the filtrate, add 2 ml. of the sodium carbonate solution, mix and place the tube for exactly 2 minutes in a bath of boiling water which must be kept boiling. Where a number of tubes are being examined, the period of two minutes shall be timed from the moment when the water has recommenced boiling. Cool and proceed to read the colour developed.

(2) If the colour reading exceeds 1.5 Lovibond blue units, the test shall be void.

(3) The colour reading obtained from the control test shall not be subtracted from the reading obtained from the incubated sample.

8. The purity of the reagents shall be tested by incubating with each batch of samples a tube containing buffer-substrate and chloroform but no milk. Proceed after incubation exactly as directed above under "Method of Carrying out the Test". If the colour reading thus obtained exceeds 0.5 Lovibond blue units, the test for the particular batch of sample concerned shall be void.

Interpretation

9. The test shall be deemed to be satisfied by milk which gives a reading of 2.3 Lovibond blue units or less.

PART III.—THE METHYLENE BLUE TEST FOR PASTEURISED MILK

1. On arrival at the laboratory, the samples of milk shall be removed from the insulated container and kept at atmospheric shade temperature until the test is begun. If at any time the atmospheric shade temperature in the immediate vicinity of the samples, as indicated by a maximum thermometer adjusted to below 65° F. at 9 a.m. on each day of sampling, has exceeded 65° F., the tests shall be void. Samples shall not be kept in a refrigerator or cold store or water bath or in an incubator. Tests shall be begun between 9 and 10 a.m. on the day after the samples are taken.

Reagent—Methylene Blue

2.—(1) Tablets manufactured under arrangements made by the Minister shall be used for the test. A solution shall be prepared by adding one tablet to 200 ml. of cold, sterile glass-distilled water in a sterile flask, shaking until the tablet is completely dissolved, and making up the solution to 800 ml. with cold, sterile, glass-distilled water.* The resultant solution shall be stored in a sterile, stoppered flask* in a cool, dark place, and shall not be used if—

(a) it has been exposed to sunlight, or

(b) a period of two months has elapsed since the date of preparation.

* These words were substituted for the original words by the Milk (Special Designation) (Pasteurised and Sterilised Milk) (Amendment) Regulations, 1950—S.I. 1950, No. 409.

PAGE

414-
449

(2) The amount of methylene blue required for a day's work shall be poured off from the stock bottle into a suitable glass container. The pipette used for transferring the methylene blue solution to the tubes of milk shall not be introduced into the stock bottle.

Apparatus

3.—(1) Test tubes shall conform to the British Standard Specification No. 625 (1935) 152/16, nominal 6 in. \times $\frac{5}{8}$ in., having an internal diameter of 13.5 ± 0.5 mm. and being accurately marked at 10 ml. They shall be plugged with cotton wool, covered with closely fitting aluminium caps or stored in such other way as may prevent contamination.

(2) Pipettes shall be 1.0 ml. straight-sided blow out delivery pipettes, and shall be plugged with cotton wool at the upper end.

(3) Glassware and rubber stoppers shall be sterile.

Method of Carrying out the Test

4.—(1) The test shall be carried out in the following manner :—

Thoroughly mix the sample of milk by inverting and shaking the sample bottle and pour the milk into a test tube up to the 10 ml. mark, leaving one side of the interior unwetted with milk. Add 1 ml. of methylene blue solution without letting the pipette come into contact with the milk in the tube or with the wetted side of the interior of the tube. After a lapse of 3 seconds, blow out the solution remaining in the tip of the pipette. Close the tube with a rubber stopper with aseptic precautions. Invert the tube slowly twice, so that the whole column of contained air rises above the level of the milk, and place within 5 minutes in a water bath. The water in the bath shall be kept above the level of the milk in the test tubes ; and its temperature, which shall be between 37°C . and 38°C ., shall be maintained as nearly uniform as possible by means of a reliable automatic thermo-regulator. The interior of the bath shall be kept completely dark.

(2) To indicate when decolourisation is complete a control tube shall be used for comparison with each batch of experimental tubes. The control tube shall be prepared by immersing in boiling water for three minutes, a stoppered test tube containing 1 ml. of tap water and 10 ml. of mixed milk having a fat content and colour similar to that of the milk being tested.

(3) The milk shall be regarded as decolourised when the whole column of milk is completely decolourised or is decolourised up to within 5 mm. of the surface. A trace of colour at the bottom of the tube may be ignored provided that it does not extend upwards for more than 5 mm.

Interpretation

5. The test shall be deemed to be satisfied by milk which fails to decolourise methylene blue in thirty minutes.

PART IV.—THE TURBIDITY TEST FOR STERILISED MILK

1. Samples may be examined at any time after delivery to the laboratory but shall be at room temperature when the test is begun.

PAGE

414- Reagent

449 2. Ammonium sulphate A.R. shall be used.

Apparatus

3. The following apparatus shall be provided :—

- (a) A supply of conical flasks, 50 ml. capacity.
- (b) A supply of graduated cylinders, 25 ml. capacity.
- (c) A supply of test tubes conforming to British Standard Specification No. 625 (1935) 127/12.
- (d) A supply of filter funnels, 6 cm. diameter.
- (e) Two beakers, 400 ml. capacity.
- (f) A supply of Whatman folded filter papers, 12.5 cm. No. 12.

Method of Carrying out the Test

4. The test shall be carried out in the following manner :—

Weigh 4 ± 0.1 g. of ammonium sulphate into a 50 ml. conical flask.* Measure out 20 ± 0.5 ml. of the milk sample, and pour into the conical flask. Ensure that the ammonium sulphate dissolves by shaking for one minute. Leave for not less than five minutes and then filter through a folded paper into a test tube. When not less than 5 ml. of a clear filtrate have collected, place the tube in a beaker of water, which is kept boiling, and keep it therein for five minutes. Transfer the tube to a beaker of cold water, and when the tube is cool, examine the contents for turbidity by moving the tube in front of an electric light shaded from the eyes of the observer.

Interpretation

5. The test shall be deemed to be satisfied by milk which shows no sign of turbidity.

COMPULSORY USE OF SPECIAL DESIGNATIONS IN SPECIFIED AREAS

A feature of the Government's policy as defined in 1943 in the White Paper, *Measures to Improve the Quality of the Nation's Milk Supply* (see p. 361 in the Main Work), is the restriction on the sale of milk by retail in specified areas, unless it is either heat treated or sold under licence as "Tuberculin tested milk" or, in certain circumstances, as "Accredited milk". The necessary powers to this end were enacted in the Milk (Special Designations) Act, 1949, which came into operation on 1st October, 1949. This Act, however, was repealed and re-enacted in the Act of 1950.

* These words were substituted for the original words by the Milk (Special Designation) (Pasteurised and Sterilised Milk) (Amendment) Regulations, 1950—S. I. 1950, No. 409.

PAGE

414- *Compulsory use for retail sales.*—Section 19 of the Act of
 449 1950, *infra*, makes it obligatory for all sales of milk by
 retail in a specified area to be confined to designated milk,
 as follows :—

- (a) Tuberculin tested milk ;
- (b) Accredited milk—subject to the milk being from a single herd until 1st October, 1954, when the designation “ Accredited ” will cease to be a special designation—see section 22 of the Act of 1950 ; or
- (c) Pasteurised or Sterilised milk.

It should be noted that this restriction applies only in the case of *retail sales in specified areas*.

“ *Specified areas* ” has the meaning assigned by subsection (1) of section 19 of the Act of 1950, *infra* ; “ *selling milk by retail* ” means selling it—

- (a) to any person other than a milk dealer (that is to say, a person who carries on a business which consists in or comprises the selling of milk) or a manufacturer of milk products (that is to say, a person who carries on a business which consists in or comprises the making of things made from milk or of which is an ingredient) ; or
- (b) to such a dealer or manufacturer otherwise than for the purposes of his business as such ;

“ *selling* ” means selling in the course of a business, and includes, in relation to milk, supplying it under arrangements for free supply, and, in relation to milk and things made from milk, or of which it is an ingredient, supplying it to them, in the course of any business otherwise than under such arrangements ; and references to sales and contracts of sale and sellers shall be construed accordingly ; “ *supplying under arrangements for free supply* ” means, in relation to any milk, supplying it free from any payments made or to be made by the person to whom it is supplied, under arrangements made in exercise of powers in that behalf conferred by any Regulation in the Defence (General) Regulations, 1939, or by section forty-nine or subsection (2) of section seventy-eight of the Education Act, 1944 ; and references to a person’s buying milk include references to his having it supplied him under such arrangements ; and “ *milk* ” means cow’s milk, excluding not only condensed milk and dried milk, but also cream and separated, skimmed and evaporated milk, and buttermilk—section 28 of the Act of 1950.

PAGE

- 414- It should be noted that the restriction on the sale of
449 milk imposed by section 19, *infra*, extends to the sale of milk *outside* a specified area if the milk is supplied from an establishment whether in or outside a specified area where there is carried on a business of selling milk which includes any sales for the purpose of which the use of a special designation is obligatory by virtue of this section.

Section 19, Food and Drugs (Milk, Dairies and Artificial Cream) Act, 1950—Compulsory use for retail sales.

(1) Subject to the provisions of this Part of this Act, the use of a special designation shall be obligatory for the purpose of all sales of milk by retail for human consumption (other than catering sales) where the place of sale is in an area in which this subsection is in operation by virtue of the subsequent provisions of this Part of this Act in that behalf (in this Act referred to as "a specified area").

(2) The use of a special designation shall be obligatory also for the purpose of a sale of milk by retail for human consumption (other than a catering sale), notwithstanding that the place of sale is not in a specified area, if the milk is delivered from an establishment (whether in or outside a specified area) where there is carried on a business of selling milk which includes any sales for the purpose of which the use of a special designation is obligatory by virtue of the foregoing subsection.

(3) The foregoing subsections shall not apply to the selling of milk as therein mentioned by a producer of milk from cows to persons employed by him in or in connection with such production or employed by him otherwise in agriculture, if he does not engage in any other selling of milk as mentioned in those subsections.

(4) Any person who sells milk without the use of a special designation under a sale for the purpose of which the use of a special designation is obligatory by virtue of this section shall be guilty of an offence.

(5) It shall be the duty of every Food and Drugs authority within their area to carry into execution and enforce the provisions of this section.

(6) Section twenty-eight of this Act shall apply for the interpretation of this section.

Compulsory use for catering.—It will be noted that the provisions of section 19, *supra*, do not apply to a "catering sale", which means a sale of milk, or of things made from milk, or of which milk is an ingredient, as, or as part of, a meal or refreshments—section 28 of the Act of 1950. Section 20 of the Act of 1950, *infra*, applies to catering sales and enables the sale of undesignated milk to a caterer

PAGE

- 414- provided he holds a licence to pasteurise or sterilise the
449 milk himself and does so before effecting a catering sale.

Section 20, Food and Drugs (Milk, Dairies and Artificial Cream) Act, 1950—Compulsory use for catering.

(1) The provisions of this section shall apply to catering sales, and to sales of milk to a person who carries on a business which consists in or comprises making catering sales (in this section referred to as "a caterer").

(2) Subject to the provisions of this Part of this Act, a catering sale made in a specified area—

(a) shall be lawful (unless it is for any reason unlawful apart from this subsection) if the caterer bought the milk under a sale for the purpose of which a special designation was used, or if he holds a licence authorising him to use a special designation in connection with the milk, whether the designation is used for the purpose of the catering sale or not ; but

(b) otherwise shall be unlawful.

(3) Subject to the provisions of this Part of this Act, on a sale of milk to a caterer, being a sale for the purpose of which the use of a special designation would be obligatory by virtue of the last foregoing section if it were a sale by retail, the use of such a designation shall be obligatory, except where—

(a) the caterer buys the milk with a view to subjecting it to a process to which milk is required to be subjected as a condition of the use of a special designation in connection therewith, and he is the holder of a licence authorising him to use that designation, or

(b) the caterer buys the milk for the purposes of a business of his as a milk dealer or a manufacturer of milk products other than his business as a caterer.

(4) Any person who make a catering sale which is unlawful by virtue of subsection (2) of this section, or who sells milk without the use of a special designation under a sale for the purpose of which the use of a special designation is obligatory by virtue of subsection (3) of this section, shall be guilty of an offence :

Provided that a person shall not be guilty of an offence by virtue of subsection (3) of this section if at the time of the sale in question he had reasonable cause to believe that the conditions specified in paragraph (a) or (b) of that subsection were satisfied as to that sale or that the buyer was not a caterer.

(5) It shall be the duty of every Food and Drugs authority within their area to carry into execution and enforce the provisions of this section.

(6) Section twenty-eight of this Act shall apply for the interpretation of this section.

The expression "*business*" includes the business of a hospital, school or other institution whose selling of milk is

PAGE

414- incidental only to the rendering of the health, educational
449 or other services rendered by the institution—section 28
of the Act of 1950.

Power of Minister of Food to dispense with use.—In certain circumstances, the Minister of Food may dispense with the requirements of section 19 and 20 of the Act of 1950, *supra*, in accordance with the terms of section 21, *infra*.

Section 21, Food and Drugs (Milk, Dairies and Artificial Cream) Act, 1950—Power of the Minister of Food to dispense with use.

(1) Notwithstanding anything in subsection (1) or (2) of section nineteen of this Act, or in subsection (3) of section twenty thereof, selling milk as therein mentioned without the use of a special designation shall be permissible if done with the consent of the Minister of Food, and he may give consents for the purposes of this section, either generally as respects selling milk as mentioned in those subsections or restricted to a particular retailer or establishment or otherwise, and either unconditionally or subject to conditions, as may appear to him to be requisite in order to meet any circumstances in which use of a special designation which would be obligatory by virtue of those subsections apart from the consent appears to him to be for the time being not reasonably practicable.

(2) A catering sale made in a specified area shall not be unlawful by virtue of subsection (2) of section twenty of this Act if the milk was sold to the caterer with consent given by the Minister for the purposes of this section.

(3) Section twenty-eight of this Act shall apply for the interpretation of this section.

Provisions regarding "Accredited milk".—In view of the fact that all licences to produce milk under the special designation "accredited" will cease to have effect on 1st October, 1954 (see *ante*, p. 144 in this Supplement), this designation will not be applicable to milk sold by retail in a specified area after that date. In addition to this limitation, the special designation "accredited" may only be used in respect of the sale by retail of milk in a specified area if the milk in question is from a single herd. It is the duty of the appropriate food and drugs authority to enforce the provisions of this section except in the case of the use of this designation by the producer of the milk in question, i.e. in the case of producer-retailers—section 22 of the Act of 1950.

Specified areas.—Section 23 of the Act of 1950, *infra*, empowers the Minister of Food to define areas in which the provisions of section 19 of the Act shall apply.

PAGE

414- Section 23, *Food and Drugs (Milk, Dairies and Artificial Cream)*
 449 Act, 1950—*Specified areas.*

(1) The Minister of Food may at any time order that subsection (1) of section nineteen of this Act shall come into operation in any area in which it is not then in operation, or shall cease to be in operation in any area in which it is then in operation.

(2) Before making an order under this section the Minister of Food shall consult with such representative organisations as appear to him substantially to represent the interests concerned with the purposes of the order.

(3) The powers conferred on the Minister by this section shall be exercisable by statutory instrument, and—

(a) a draft of any statutory instrument bringing subsection (1) of section nineteen of this Act into operation in any area shall be laid before Parliament ;

(b) a statutory instrument ordering that subsection (1) of section nineteen of this Act shall cease to be in operation in any area shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(4) For the purposes of this Part of this Act—

(a) if a contract of sale of milk is made in one place and it is delivered under the contract in another place, the place of the sale shall, except in a case falling within paragraph (b) of this subsection, be taken to be the place where the milk is so delivered ;

(b) if a contract of sale of milk is made in one place and it is delivered under the contract to a carrier for transport to another place, the place of the sale shall be taken to be that other place.

(5) Section twenty-eight of this Act shall apply for the interpretation of this section.

The Ministry of Food issued a Press Notice on 20th February, 1951, declaring London and Portsmouth Districts as " specified areas ". The details are as follows :—

THE LONDON AREA comprising :—

The whole of the County of London.

The whole of the County of Middlesex.

That portion of the County of Hertfordshire consisting of the Urban Districts of Barnet, Bushey, Cheshunt, East Barnet and the Rural District of Elstree.

That portion of the County of Kent consisting of the Boroughs of Beckenham, Bexley, Bromley, Erith and the Urban Districts of Chislehurst and Sidcup, Crayford, Orpington and Penge.

That portion of the County of Surrey consisting of the County Borough of Croydon, the Boroughs of Barnes, Beddington and Wallington, Epsom and Ewell, Kingston-on-Thames, Malden and Coombe, Mitcham, Richmond, Surbiton, Sutton and Cheam, Wimbledon and the Urban Districts of Banstead, Carshalton, Coulsdon and Purley, Esher, Merton and Morden.

PAGE

414-
449

That portion of the County of Essex consisting of the County Boroughs of East Ham, West Ham, the Boroughs of Barking, Chingford, Dagenham, Ilford, Leyton, Walthamstow, Wanstead and Woodford and the Urban Districts of Chigwell, Waltham Holy Cross.

THE PORTSMOUTH AREA comprising :—

County Borough of Portsmouth.

Borough of Gosport.

Urban District of Fareham.

Urban District of Havant and Waterlooville.

From 1st October, 1951, all milk sold by retail within those areas must be special designated milk, that is, sterilised milk, pasteurised milk, tuberculin tested milk, or accredited milk from a single herd. Ministry of Food, *Press Notice, P.N. 5890—20th February, 1951.*

Provision of facilities for the treatment of milk.—The Minister of Food is empowered by section 24 of the Act of 1950, *infra*, to provide facilities for the heat treatment of milk to enable the provisions detailed above to be complied with in specified areas. The Minister may make arrangements with a local authority or other persons for such treatment to be carried out by them on his behalf.

Section 24, Food and Drugs (Milk, Dairies and Artificial Cream) Act, 1950—Power of the Minister of Food to provide facilities for treatment of milk.

(1) The Minister of Food may install, maintain and operate apparatus for the subjection of milk to any process to which it is required to be subjected as a condition of the use of a special designation in connection therewith, and may provide any other facilities for that purpose, in any case in which it appears to him, as respects any area which is a specified area, or an area as to which he proposes to make an order bringing subsection (1) of section nineteen of this Act into operation, that facilities for the application of such treatment sufficient to provide for supplies of milk of that designation in that area in requisite quantities are not available and are not likely otherwise to become available.

(2) Where the Minister of Food provides facilities under this section he may either buy the milk to be treated and re-sell it, otherwise than by retail or to a caterer for the purposes of his business as such, after treatment or apply the treatment to milk of others.

(3) The Minister of Food may make arrangements with local authorities or other persons for the doing, on his behalf and at his expense, of things which he is authorised by this section to do, and it shall be within the powers of local authorities to carry out arrangements so made.

PAGE

414-

449

(4) Any expenses incurred by the Minister under this section shall be defrayed out of moneys provided by Parliament, and payments received by the Minister for milk sold by him thereunder, or for treating thereunder milk of others, shall be paid into the Exchequer.

(5) Section twenty-eight of this Act shall apply for the interpretation of this section, and in this section the expression "local authority" means any local authority within the meaning of the Local Government Act, 1933, or the London Government Act, 1939.

Licences for specified areas.—Licences authorising the sale by retail of milk under the special designations in specified areas, are granted in accordance with the provisions of the Milk (Special Designation) Regulations, previously dealt with in this Supplement, but there are additional provisions relating to such licences contained in section 25 and the Fourth Schedule of the Act of 1950, *infra*.

Section 25, Food and Drugs (Milk, Dairies and Artificial Cream) Act, 1950—Breach of certain conditions of licences for specified areas to be punishable.

(1) In the event of a breach of any condition to which this section applies of a licence held by a retailer for a specified area, the holder of the licence shall, subject as provided in the next succeeding section, be guilty of an offence under this section.

(2) The conditions to which this section applies are conditions as to any such matters as are specified in the Fourth Schedule to this Act.

(3) Milk (Special Designation) Regulations shall specify the authorities, whether local authorities or Food and Drugs authorities, by whom the provisions of this section are to be enforced as respects licences other than licences authorising the use of a special designation in relation to raw milk by the producer thereof, or authorising the use of a special designation by a local authority.

(4) In this section the expression "local authority" means any local authority within the meaning of the Local Government Act, 1933, or the London Government Act, 1939.

Fourth Schedule, Food and Drugs (Milk, Dairies and Artificial Cream) Act, 1950—Conditions to which section 25 applies.

1. Conditions to which section twenty-five of this Act applies are conditions relating to any of the following matters, that is to say—

The examination or testing of animals, the inoculation of animals, the keeping of any animal or herd away from other animals, or other measures for detecting the existence of disease in animals or preventing the contracting or spread of it.

The marking, or keeping of records, of any animals, or other measures for identification thereof.

PAGE

414-

449

The subjection of milk to any process of heat-treatment, or to any cooling or other process, requirements in connection with the subjection of milk thereto or as to the temperature or other conditions under which it is to be kept thereafter, or the recording or retention of evidence of the observance of such requirements.

Satisfaction of a test of milk, being a test relating to the subjection of milk to such a process as aforesaid or to the observance of any such requirements as aforesaid.

Measures for securing that milk produced, or subjected to a process, as required by any conditions is kept away from, and free from admixture with, other milk not so produced or subjected or other things, or is not subjected to some specified process.

The manner in which milk produced, or subjected to any process, in accordance with any conditions is to be dealt with or kept as respects the receptacles in which it is to be put or to remain, the closing or fastening of receptacles, or the marking of receptacles or of things by which they are closed or fastened.

The manner of describing milk produced, or subjected to any process, in accordance with any conditions.

The making or keeping of records of milk produced, bought, subjected to any process, or sold.

2. In this Schedule the expression "milk" means cow's milk, excluding not only condensed milk and dried milk but also cream and separated, skimmed and evaporated milk, and butter milk.

Certain restrictions on the liability under section 25 of the Act of 1950, *supra*, are contained in section 26, *infra*.

Section 26, Food and Drugs (Milk, Dairies and Artificial Cream) Act, 1950—Restrictions on liability under foregoing section.

(1) Such a breach of condition as is mentioned in the last foregoing section, constituted by an act or omission for which the holder of the licence is liable to any punishment imposed by or under any enactment other than that section, shall not render the holder of the licence guilty of an offence under the last foregoing section.

(2) Such a breach of condition as is mentioned in the last foregoing section shall not render the holder of the licence guilty of an offence under that section unless it was the later, or a later, of two or more such breaches, occurring within a period of twelve months, of conditions either of that licence or of that licence and a former licence by way of renewal whereof that licence was granted, and was committed either—

- (a) after the licensing authority had given him notice in writing as to an earlier of those two or more breaches informing him of his being alleged to have committed it, and warning him of the liability to prosecution imposed by the last foregoing section ; or
- (b) after he had been convicted of an offence under that section by virtue of an earlier of those two or more breaches.

PAGE

414-

449

(3) In the case of any prosecution in respect of such a breach of condition as is mentioned in the last foregoing section which would otherwise render the holder of the licence guilty of an offence under that section, it shall be a defence for him to prove the following matters (either as to that breach, or as to the earlier breach relied on for the purpose of subsection (2) of this section unless it is one by virtue of which he has been convicted of such an offence), that is to say—

- (a) that neither he nor any servant or agent of his did, or knew of the doing of, any act that constituted the breach or can reasonably be regarded as having been the cause or amongst the causes of it, or omitted to do, or knew of an omission to do, any act the omission whereof constituted the breach or the doing whereof can reasonably be regarded as a precaution that would have prevented it ; and
- (b) if the breach was in connection with milk that had been sold to him, or had been delivered to him after being subjected to a process to which it was required to be subjected as a condition of the use of the special designation to which his licence related, that that designation was used for the purpose of the sale to him or in connection with the delivery to him, as the case may be, and was so used without any breach, discoverable by the exercise of reasonable diligence on the part of himself or any servant or agent of his, of any condition, relating to receptacles, to closing, to fastening or to marking, of a licence to use that designation held by the person who sold the milk to him or subjected it to the process, as the case may be.

(4) Section twenty-eight of this Act shall apply for the interpretation of this section.

Revocation, suspension and refusal of licences held by a retailer in a specified area.—Section 27 of the Act of 1950 applies the special provisions of Part II of the Third Schedule to the Act of 1950, *infra*, as respects the application of Part I of that Schedule (see *ante*, p. 137 in this Supplement) to a licence held by a retailer for a specified area.

Third Schedule, Food and Drugs (Milk, Dairies and Artificial Cream) Act, 1950, Part II—Licences held by retailers for specified areas.

4.—(1) Any provision for the revocation of a licence authorising the use of a special designation on the ground of breach of a condition thereof made by Milk (Special Designation) Regulations shall be such as to secure that a licence held by a retailer for a specified area shall not be revoked, and a grant of a licence by way of renewal of a licence so held shall not be refused, on the ground of breach of a condition of the licence so held, unless—

- (a) the breach in question is of a condition to which section twenty-five of this Act applies.

PAGE

414-

449

- (b) the holder of the licence has been convicted of an offence under that section by virtue of the breach in question, or has been convicted, within twelve months before the time of the breach in question or after the time of it, of an offence under section thirteen, nineteen, twenty or twenty-two of this Act, or of an offence under Milk and Dairies Regulations for which a penalty is thereby imposed, and
 - (c) the decision of the licensing authority to revoke, or to refuse renewal, as the case may be, is made within twelve months from the date of the breach in question.
- (2) Any provision for the suspension of a licence authorising the use of a special designation on the ground of breach of a condition thereof made by Milk (Special Designation) Regulations shall be such as to secure that—
- (a) a licence held by a retailer for a specified area shall not be suspended, by virtue of any one decision of the authority having power to suspend it, for a period of more than three months, but
 - (b) a period of suspension of such a licence awarded by any such decision may be extended by a subsequent such decision made in accordance with the provisions of this Schedule.
- (3) For the purposes of any decision for the suspension of a licence held by a retailer for a specified area, the term of that licence and of any licence granted by way of renewal thereof shall be treated as if they had been a single term, and accordingly—
- (a) a period of suspension of such a licence of three months or less may be awarded notwithstanding that that period is longer than the unexpired residue of the term of the licence ; and
 - (b) where such a longer period of suspension of such a licence is awarded, a licence may be granted by way of renewal thereof but that licence shall be in suspense until the expiry of that period, and such a decision for extension of that period as is mentioned in paragraph (b) of subparagraph (2) of this paragraph may be made so as to extend the suspension of that licence.
5. Paragraph 1 of this Schedule shall, in so far as it relates to proof of a breach of condition of a licence, have effect subject as follows, that is to say—
- (a) the provision to be made as therein mentioned shall extend to a breach by virtue of which the holder of the licence has been convicted of an offence under section twenty-five of this Act without requiring any proof thereof other than conviction ; and
 - (b) in relation to a case referred to a tribunal by virtue of the subsequent provisions of this Schedule, not being a case in which the holder of the licence has been convicted as aforesaid, the said paragraph 1 shall have effect with the substitution of a reference to proof by the finding of the tribunal for the reference to proof to the satisfaction of the licensing authority or the Minister.

PAGE

414-
449

6.—(1) Milk (Special Designation) Regulations shall, where the issue is as to the revocation or suspension of a licence held by a retailer for a specified area, or as to the refusal to grant such a licence by way of renewal of such a licence, provide—

- (a) for requiring the Minister of Food on such an appeal as is mentioned in sub-paragraph (a) of paragraph 2 of this Schedule, and any Minister of the Crown when acting as licensing authority, to refer the matter to a tribunal constituted in accordance with the regulations if the person affected so requests ;
- (b) for requiring that the duty of such a tribunal on any such reference shall be to report findings on any questions of fact appearing to them to be relevant, and in particular, where the issue is as to revocation or suspension on the ground of a breach of condition not being one by virtue of which the holder of the licence has been convicted of an offence under section twenty-five of this Act, to find and report whether the breach was in fact committed (which finding shall be conclusive for the purposes of this Schedule), and for requiring the Minister of Food, or the Minister acting as licensing authority, as the case may be, to consider the report of the tribunal before making his decision ;
- (c) for the procedure of such a tribunal, including provision for conferring on the person affected a right to be heard by the tribunal, and including provision for treating the finding of a majority of the members of such a tribunal as the finding of the tribunal in the event of a difference of opinion among the members ;
- (d) for securing that any such hearing as aforesaid by a tribunal shall be in public, that the person affected shall be entitled to be heard by himself or by counsel or a solicitor or other representative as he may elect, and that he or his representative shall be entitled to call witnesses and to cross-examine witnesses called by another ; and
- (e) for securing that such notice of a decision or proposed decision shall be given to the person affected as may be requisite for enabling him effectively to exercise rights conferred on him by virtue of the foregoing provisions of this paragraph.

(2) There shall be paid out of moneys provided by Parliament to the chairman of any such tribunal as aforesaid such remuneration (by way of salary or fees) and such allowances as the authority appointing him may, with the approval of the Treasury, determine.

Where, under the provisions of Part IV of the Milk (Special Designation) (Raw Milk) Regulations, 1949 (see *ante*, p. 146 in this Supplement), the Minister proposes to refuse, suspend or revoke a licence held by a retailer for a specified area, *i.e.*, a producer-retailer, provision is made for the matter to be referred to a tribunal, whose constitution and procedure are detailed in the Fourth Schedule to the Regulations, *infra*.

PAGE

414-

449

Fourth Schedule, Milk (Special Designation) (Raw Milk) Regulations, 1949.

PART I

Constitution of tribunals under the provisions of section 11 of the Milk (Special Designations) Act, 1949

1. A tribunal shall consist of a chairman and two other members
- 2.—(1) Where the issue referred to the tribunal is in respect of a producer's licence—
 - (a) the chairman shall be an independent person appointed by the Minister of Agriculture and Fisheries ;
 - (b) one member shall be a person appointed by the Minister of Agriculture and Fisheries from a panel nominated jointly by the National Farmers Union and the Milk Marketing Board ;
 - (c) one member shall be a person appointed by the Minister of Agriculture and Fisheries, after consultation with the Minister of Health and the Minister of Food, as being representative of the consumers' interest.
- (2) Where the issue referred to the tribunal is in respect of a dealer's licence or is in respect of a dealer's licence and there is outstanding a reference to a tribunal under the Milk (Special Designation) (Pasteurised and Sterilised Milk) Regulations, 1949, of an issue in respect of a licence thereunder and the person or council affected is the same—
 - (a) the chairman shall be an independent person appointed by the Minister of Food ;
 - (b) one member shall be a person appointed by the Minister of Food as representative of the milk distributive trade ;
 - (c) one member shall be a person appointed by the Minister of Food, after consultation with the Minister of Health, as being representative of the consumers' interest.
- (3) Where the issue referred to the tribunal is in respect of a producer's licence, and there is outstanding a reference to a tribunal under any Milk (Special Designation) Regulations (including these regulations) of an issue in respect of any other licence which relates to the same premises and the person or council affected is the same—
 - (a) the chairman shall be an independent person appointed jointly by the Minister of Agriculture and Fisheries and the Minister of Food ;
 - (b) one member shall be a person appointed jointly by the Minister of Agriculture and Fisheries and the Minister of Food, as being representative of producers and distributors of milk ;
 - (c) one member shall be a person appointed jointly by the Minister of Agriculture and Fisheries and the Minister of Food, after consultation with the Minister of Health, as being representative of the consumers' interest.

PAGE

114-

149

3.—(1) A chairman shall hold office for three years, and a chairman whose term of office expires shall be eligible to be re-appointed as chairman.

(2) A chairman may resign his office by notice in writing served on the Minister or Ministers appointing him.

(3) If the Minister or Ministers appointing him are satisfied that the chairman is incapacitated by infirmity of mind or body from discharging the duties of his office, or is adjudged bankrupt or makes a composition or arrangement with his creditors, he or they, as the case may be, may revoke the appointment of chairman.

(4) If the Minister or Ministers appointing him are satisfied that the chairman is prevented by sickness or any other reason from acting on any reference to the tribunal, he or they, as the case may be, may appoint an independent person to act in place of the chairman on that reference.

PART II

Procedure

1. Where in accordance with these regulations any issue as to the revocation or suspension of a licence or refusal of grant of a licence by way of renewal of such a licence is required to be referred to a tribunal by a Minister that Minister shall forthwith inform the chairman of the tribunal of the reference to the tribunal, and of the name and address of the person or council affected. He shall send to the chairman and to the members of the tribunal copies of his notice of proposed decision to refuse, suspend, or revoke the licence, as the case may be, and of any representations made by the person or council affected.

2. The chairman on being informed of the reference to the tribunal shall fix a convenient date and place for the hearing of the reference.

3.—(1) The person or council affected shall have the right to be heard by the tribunal by himself or by counsel or a solicitor or other representative as he or the council may elect.

(2) The licensing authority or the Minister may be represented by any person instructed in that behalf.

4.—(1) At the hearing of the reference the tribunal shall give an opportunity to the person or council affected, or to the representative thereof to address the tribunal and to call witnesses. The representative of the licensing authority or the Minister may cross-examine the person affected if he elects to give evidence, and any witness called by him or by the council affected.

(2) The tribunal shall give the representative of the licensing authority and the Minister an opportunity to address the tribunal and to call witnesses. The person or council affected or the representative thereof may cross-examine any witness called by another person.

PAGE

414- 5. The tribunal may if they wish, visit and inspect any premises
449 to which the reference relates.

6. The tribunal shall in respect of any reference, report to the Minister by whom the issue was referred, their findings on any questions of fact appearing to them to be relevant, and in particular where the issue is as to revocation or suspension on the ground of a breach of condition not being one by virtue of which the holder of the licence has been convicted of an offence under section 8 of the Milk (Special Designations) Act, 1949 shall find and report whether the breach was in fact committed.

7. The tribunal may take notice of the circumstances existing at the date of the hearing, where there has been any change of circumstances since the date of the notice issued by the licensing authority.

8. The tribunal may adjourn the hearing from time to time if for any reason it appears to them necessary or desirable so to do.

9. In the event of a difference of opinion amongst the members of the tribunal the determination of the majority of them shall be the determination of the tribunal.

10. The chairman shall report in writing the findings of the tribunal to the Minister or Ministers appointing him.

11. The hearing shall be open to the public.

12. Save as in this Schedule expressly provided, the tribunal shall have power to regulate their own procedure.

Where, under Part III of the Milk (Special Designation) (Pasteurised and Sterilised Milk) Regulations, 1949, (see *ante*, p. 168 in this Supplement), it is proposed to refuse, suspend or revoke a licence held by a retailer for a specified area, provision is made for the matter to be referred to a tribunal, whose constitution and procedure are detailed in the Fourth Schedule to the Regulations, *infra*.

Fourth Schedule, Milk (Special Designation) (Pasteurised and Sterilised Milk) Regulations, 1949.

Constitution of tribunals under the provisions of section 11 of the Milk (Special Designations) Act, 1949

1. A tribunal shall consist of a chairman and two other members.

2.—(1) Where the issue referred to the tribunal is in respect of a licence under these regulations or is in respect of such a licence and there is outstanding a reference to a tribunal under the Milk (Special Designation) (Raw Milk) Regulations, 1949, of an issue in respect of a dealer's licence thereunder and the person or council affected is the same—

(a) the chairman shall be an independent person appointed by the Minister ;

PAGE

414-
449

- (b) one member shall be a person appointed by the Minister as representative of the milk distributive trade ;
- (c) one member shall be a person appointed by the Minister, after consultation with the Minister of Health, as being representative of the consumers' interest.

(2) Where the issue referred to the tribunal is in respect of a licence under these regulations and there is outstanding a reference to a tribunal under the Milk (Special Designation) (Raw Milk) Regulations, 1949, of an issue in respect of—

- (a) a producer's licence there under, or
- (b) a producer's and a dealer's licence thereunder.

which relates to the same premises and the person or council affected is the same—

- (i) the chairman shall be an independent person appointed jointly by the Minister and the Minister of Agriculture and Fisheries ;
- (ii) one member shall be a person appointed jointly by the Minister and the Minister of Agriculture and Fisheries as being representative of producers and distributors of milk ;
- (iii) one member shall be a person appointed jointly by the Minister and the Minister of Agriculture and Fisheries after consultation with the Minister of Health, as being representative of the consumers' interest.

3.—(1) A chairman shall hold office for three years, and a chairman whose term of office expires shall be eligible to be re-appointed as chairman.

(2) A chairman may resign his office by notice in writing served on the Minister or Ministers appointing him.

(3) If the Minister or Ministers appointing him are satisfied that the chairman is incapacitated by infirmity of mind or body from discharging the duties of his office, or is adjudged bankrupt or makes a composition or arrangement with his creditors, he or they, as the case may be, may revoke the appointment of chairman.

(4) If the Minister or Ministers appointing him are satisfied that the chairman is prevented by sickness or any other reason from acting on any reference to the tribunal, he or they, as the case may be, may appoint an independent person to act in place of the chairman on that reference.

PART II

Procedure

1. Where in accordance with these regulations any issue as to the revocation or suspension of a licence or refusal of a grant of a licence by way of renewal of such a licence is required to be referred to a tribunal by the Minister he shall forthwith inform the chairman of the tribunal of the reference to the tribunal, and of the name and address of the person or council affected. He shall send to the chairman and to the members of the tribunal

PAGE

414-
449

copies of his notice of proposed decision to refuse, suspend, or revoke the licence, as the case may be, and of any representations made by the person or council affected.

2. The chairman on being informed of the reference to the tribunal shall fix a convenient date and place for the hearing of the reference.

3.—(1) The person or council affected shall have the right to be heard by the tribunal by himself or by counsel or a solicitor or other representative as he or the council may elect.

(2) The licensing authority or the Minister may be represented by any person instructed in that behalf.

4.—(1) At the hearing of the reference the tribunal shall give an opportunity to the person or council affected, or to the representative thereof, to address the tribunal and to call witnesses. The representative of the licensing authority or the Minister may cross-examine the person affected if he elects to give evidence, and any witness called by him or by the council affected.

(2) The tribunal shall give the representative of the licensing authority and the Minister an opportunity to address the tribunal and to call witnesses. The person or council affected or the representative thereof may cross-examine any witness called by another person.

5. The tribunal may, if they wish, visit and inspect any premises to which the reference relates.

6. The tribunal shall in respect of any reference, report to the Minister, their findings on any questions of fact appearing to them to be relevant, and in particular where the issue is as to revocation or suspension on the ground of a breach of condition not being one by virtue of which the holder of the licence has been convicted of an offence under section 8 of the Milk (Special Designations) Act, 1949, shall find and report whether the breach was in fact committed.

7. The tribunal may take notice of the circumstances existing at the date of the hearing, where there has been any change of circumstances since the date of the notice issued by the licensing authority.

8. The tribunal may adjourn the hearing from time to time if for any reason it appears to them necessary or desirable so to do.

9. In the event of a difference of opinion amongst the members of the tribunal the determination of the majority of them shall be the determination of the tribunal.

10. The chairman shall report in writing the findings of the tribunal to the Minister or Ministers appointing him.

11. The hearing shall be open to the public.

12. Save as in this Schedule expressly provided, the tribunal shall have power to regulate their own procedure.

449- **Reporting of unsatisfactory sample results:**—Although
450 the Minister of Food is no longer concerned with the issue of authorisations to processors which, under Defence

PAGE

- 449-** Regulation 55G, permitted the use of the statutory descriptions “heat-treated milk” and “sterilised milk”, local authorities are asked to continue to notify Area Milk Officers of the Ministry of Food where samples of “pasteurised” or “sterilised” milk fail to pass the prescribed tests, in order that these officers may consider whether they can help the dairyman to improve the conditions in his dairy for the protection of consumers and whether the Minister should continue to pay the allowance which is granted for the heat treatment of milk (see *infra.*).
- 450**

The following amended list of Area Milk Officers should be substituted for that shown on pages 449/450.

MINISTRY OF FOOD

AREA MILK OFFICERS

Area	Address The Area Milk Officer, Ministry of Food	Telephone No.
Northern Food Division	Government Buildings, Kenton Bar, Newcastle-on-Tyne, 5	Kenton 23121
East and West Ridings Food Division.	Government Buildings, Ring Road, Halton, Leeds.	Leeds 31741
North Midland Food Division	Linden House, Clumber Road West, Nottingham.	Nottingham 46321
Eastern Food Division.	Shaftesbury Road, Brooklands Avenue, Cambridge.	Cambridge 55641
London Food Division.	Mayfair Court, Stratton Street, W.1.	Regent 0924
South Eastern Food Division.	8, Bishops Down, Tunbridge Wells, Kent.	Tunbridge Wells 20361
Southern Food Division	32, Queen Victoria Street, Reading, Berks.	Reading 60640
South Western Food Division.	32, Tyndalls Park Road, Bristol, 8.	Bristol 37071
Midland Food Division	Midland Hospital, Easy Row, Birmingham, 1.	Birmingham Central 3601
North Western Food Division.	Canada Chambers, 36, Spring Gardens, Manchester, 2.	Manchester Deansgate 2086

- 450-** Delete the material on these pages and substitute the following new matter :—
- 451**

Allowances for “Heat Treatment”.—Where an authority was issued by the Minister of Food, in accordance with Defence Regulation 55G to operate a “heat treatment plant”, the Minister paid an allowance to the operator.

PAGE

450- Regulation 55G having been revoked from 1st October,
451 1949, the Minister no longer authorises the use of heat treatment plant. Nevertheless, he continues to pay an allowance in respect of milk pasteurised or sterilised under licence issued by a food and drugs authority in accordance with the provisions of the Milk (Special Designation) (Pasteurised and Sterilised Milk) Regulations, 1949, subject to compliance with certain conditions, including, *inter alia*, that—

- (1) the claimant holds a dealer's (pasteuriser's) or dealer's (Steriliser's) licence as the case may be ; and
- (2) all the milk in respect of which the allowance is claimed must have been pasteurised or sterilised in accordance with the conditions of the licence and must have been sold under special designation. If in addition the claimant sells any raw milk it must be lawfully sold under special designation authorised by the Milk (Special Designation) (Raw Milk) Regulations, 1949, or sold to another distributor as " milk for heat treatment ".

In order to assist him in securing compliance with these conditions, the Minister of Food desires the co-operation of food and drugs authorities and it is requested that—

- (1) the refusal, issue, suspension or revocation of any dealer's licence, either for pasteurised or sterilised milk, shall be notified at once to the Ministry of Food, Milk Division, Thames Ditton, Surrey ;
- (2) samples of the milk pasteurised or sterilised by licencees in the area of the authority shall be taken regularly and subjected to the tests prescribed by the regulations ;
- (3) where samples of milk fail to satisfy the tests, the authority will inform the Area Milk Officer of the results as soon as they are available ; and
- (4) the monthly return of milk sampling and testing (form L.M. 107) shall continue to be sent to the Ministry of Food, Milk Division, Thames Ditton, Surrey—Ministry of Food Circular, M.F. 19/49—8th November, 1949.

SUMMARY OF LICENCES WHICH MAY BE GRANTED UNDER THE MILK (SPECIAL DESIGNATION) REGULATIONS, 1949.

The following is a summary of the types of licence which may be granted by the several licensing authorities in accordance with the provisions of the Milk (Special Designation) (Raw Milk) Regulations, 1949, and the Milk (Special Designation) (Pasteurised and Sterilised Milk) Regulations, 1949, details of which have been given in the preceding pages of this Supplement.

PAGE
450-
451

Type of licence

Licensing authority

1.—PRODUCERS' LICENCES

Licences to produce Tuberculin tested or Accredited milk from cows in the ownership of the applicant :

Minister
of Agriculture and
Fisheries.

Producer's Licence.

2.—PRODUCER-RETAILERS'

- (a) In respect of tuberculin tested or accredited milk produced from cows in the ownership of the applicant and sold at or from the premises where the the herd is maintained :

Minister
of Agriculture and
Fisheries.

Producer's Licence.

- (b) In respect of tuberculin tested or accredited milk produced from cows not in the ownership of the applicant :

Local authority.

Dealer's Licence.

- (c) In respect of tuberculin tested or accredited milk produced from cows in the ownership of the applicant but sold at or from premises other than those at which the herd is maintained :

Local authority.

Dealer's Licence.

- (d) In respect of tuberculin tested or accredited milk sold by retail in a licensing area other than that in which the premises from which it is sold are situated :

Local authority.

Supplementary Licence.

- (e) In respect of milk (tuberculin tested, accredited or non-designated) subjected to heat treatment and sold as pasteurised or sterilised from the premises where it is heat treated :

Food and Drugs
authority.

Dealer's Licence.

- (f) In respect of pasteurised or sterilised milk sold at or from premises otherwise than those where the milk is heat treated ;

Local authority.

Dealer's Licence.

*Type of licence**Licensing authority*

- (g) In respect of pasteurised or sterilised milk sold by retail in a licensing area other than that in which the premises from which it is sold are situated :

Local authority.

Supplementary Licence.

[*Note*.—A producer-retailer who holds a licence to produce or sell tuberculin tested or accredited milk *and* a licence to heat-treat milk, may if he subjects his tuberculin tested or accredited milk to the appropriate form of heat treatment, apply to it the designation "Tuberculin tested milk (Pasteurised)" or "Tuberculin tested milk (Sterilised)", as the case may be.]]

*Type of licence**Licensing authority*

3.—RETAILERS ONLY

- (a) In respect of tuberculin tested or accredited milk produced by some other person under licence issued by the appropriate licensing authority :

Local authority.

Dealer's Licence.

[*Note*.—A separate dealer's licence is required in respect of each separate set of premises *within* the same licensing area.]

- (b) In respect of tuberculin tested or accredited milk sold by retail in a licensing area other than the one in which the premises from which it is sold are situated :

Local authority.

Supplementary Licence.

- (c) In respect of milk pasteurised or sterilised on the applicant's premises :

Food and Drugs
Authority.

Dealer's Licence.

- (d) In respect of pasteurised or sterilised milk sold from premises other than those where milk has been heat treated :

Local authority.

Dealer's Licence.

- (e) In respect of pasteurised or sterilised milk sold by retail in a licensing area other than that in which the premises from which it is sold are situated :

Local authority.

Supplementary Licence.

PAGE
450-
451

Type of licence

Licensing authority

4.—COUNTY COUNCILS AND LOCAL AUTHORITIES

- | | |
|-------------------------|--|
| (a) Producer's licences | Minister of Agriculture and Fisheries. |
| (b) All other licences | Minister of Food. |

[*Note*.—A supplementary licence is not required in respect of the sale of milk *by wholesale* in a licensing area other than that in which the premises from which it is sold are situated.]

458 Bread and Flour Regulations.—The power to make regulations under section 30 of the Act of 1938, is now exercised jointly by the Minister of Health and the Minister of Food—1948 Order, art. 2 (a).

Wrapping of Bread, etc.—The Minister of Food is now the confirming authority in respect of byelaws made under section 15 of the Act of 1938—1948 Order, art. 6 (1) (e). See details of Model Byelaws, Series I, Ministry of Food, *ante*, p. 68 in this Supplement.

460-461 Control by means of Byelaws.—The functions of the Minister of Health, including the power to invest a rural authority with urban powers under the Public Health Act, 1936, have now been transferred to the Minister of Local Government and Planning—Transfer of Functions (Minister of Health and Minister of Local Government and Planning) (No. 1) Order, 1951—S.I. 1951, No. 142.

Model Byelaws.—The Minister of Health issued a revised series of Model Byelaws relating to "Fish Frying and Offensive Trades" in 1946.

Town and Country Planning Act.—The Town and Country Planning Act, 1932, has been repealed and replaced by the Town and Country Planning Act, 1947.

462 Line 1.—The Minister of Local Government and Planning is now responsible for all matters relating to town and country planning.

463 Line 16.—The reference should be to "(b) of subsection (1) of section 14 of the Food and Drugs Act, 1938", and not subsection (2).

PAGE

469 After line 33, add the following new material:

Hygiene in Catering Establishments.—The Minister of Food appointed a Working Party in November, 1948, to make recommendations as to the precautions considered practicable and desirable with a view to securing the observance of sanitary and cleanly conditions in the Catering Trade. The Working Party submitted their Report in 1951 (H.M.S.O., price 1s. 9d. net.), and the main recommendations are as follows :—

- (1) All catering establishments should be required to register with the appropriate local authority.
- (2) So far as legally practicable provision should be made to enforce the Standard Code.
- (3) The Code for catering establishments of the mobile van and coffee stall type should be made legally enforceable.
- (4) The Target Code should be regarded as an objective and all catering establishments should aim at complying with its requirements.
- (5) Provisions similar to those in section 13 of the Food and Drugs Act, 1938, and to those recommended in this Report for catering establishments ashore should be applied, so far as practicable, to passenger carrying vessels.
- (6) Section 13 of the Food and Drugs Act, 1938, should be extended to apply its provisions to catering establishments where meals are supplied free or where meals are supplied but where, owing to some legal technicality, supply does not involve sale.
- (7) The law should be amended so as to require the provision of adequate lighting in places where food is prepared for sale.
- (8) At some appropriate time paragraph (i) of section 13 of the Food and Drugs Act, 1938, should be amended so as to remove any ambiguity in its interpretation in regard to the provision of hot and cold water for all purposes.
- (9) So far as is constitutionally practicable the same legal requirements, including registration, should be enforceable in respect of all catering establishments by whatever body they have been provided or are operated, and, where this is not constitutionally practicable, the standards of hygiene practised should not be lower than those enforceable in the case of other catering establishments.
- (10) Consideration should be given to the desirability of amending the Public Health (Infectious Diseases) Regulations, 1927, and the Infectious Diseases (London) Regulations, 1927, by extending their scope, so far as is practicable, and taking account of the problem of compensation, so that the provisions relating to enteric diseases (typhoid, paratyphoid fever and dysentery) become applicable to salmonella infections, staphylococcal food poisoning, and other infections which may be spread by food.

PAGE

469

- (11) When the consolidation of the food laws of Scotland is undertaken, powers similar to those of sections 13, 15, 16 and 77 of the Food and Drugs Act, 1938, should be acquired.
- (12) Consideration should be given to the desirability of applying section 17 of the Food and Drugs Act, 1938, to Scotland, or of adding " food poisoning " to the list of notifiable diseases in regulation 5 of the Public Health (Infectious Diseases) Regulations (Scotland), 1932, and to the Ninth Schedule of the regulations.
- (13) Provision should be made to adopt and extend a system for the assessment of actual and potential excretors of enteric infections along the lines set out in paragraphs 73 and 74.
- (14) The Government should either utilise a suitable existing body or should set up a new standing committee—
 - (a) to devise standard methods for estimating the efficiency of detergents under different conditions of utensil cleansing ;
 - (b) to consider possible irritant action on the hands from detergents and to prescribe limits of alkalinity or other active component ;
 - (c) to consider other possible toxic effects from detergents ;
 - (d) to advise the appropriate Departments as to the desirability of restricting the use of proprietary detergents in catering establishments to those which comply with specified efficiency tests under practical working conditions.
- (15) Manufacturers of compound detergents should be required—
 - (a) to specify the quantitative composition of the preparation as simply as possible ;
 - (b) to give definite instructions on the necessary dilutions for effective detergent action under different conditions
- (16) The attention of local authorities responsible for the supervision of catering establishments should be drawn to the requirements for mechanical dish washers and to the need for supervision of their hygienic performance.
- (17) The existing training in hygiene of personnel associated with the handling of food in any capacity in connection with catering should be extended and made a prominent and essential part of all courses.
- (18) The British Travel and Holidays Association should take steps to promote the unqualified acceptance of the Standard Code (where it applies) by the catering industry.
- (19) An information centre should be set up by and on behalf of the catering industry.
- (20) Local authorities should continue to take an active part in promoting educational work connected with hygiene in catering.

Meat Manufacturing Premises.—The Minister of Food drew to the notice of local authorities the importance of

PAGE

469 paying close attention to the manufacture, storage, distribution and sale of all foods which by their nature are especially liable to contamination and to the development of pathogenic organisms, particularly such foods as sausages of all kinds, meat pastes, meat rolls, galantines, brawns, faggots, rissoles, savoury ducks, black puddings, white puddings, hogs puddings, meat pies, meat puddings, sausage rolls, meat pasties, haslet or aislet, ravioli, pressed maws, pressed chitterlings and haggis.—Ministry of Food Circular M.F. 7/49 (20th June, 1949). The Minister also announced the appointment of a Working Party—

“ to review present trade practice and legal requirements for securing that conditions in the meat manufacturing trades are clean and sanitary, and that the products, and the materials for which they are prepared, are wholesome in all respects ; to draw up, if considered desirable, agreed codes of practice for voluntary adoption by the trades concerned ; to consider whether new or amended requirements by way of statute or regulations are desirable ; and to make recommendations to the Minister of Food, the Minister of Health and the Secretary of State for Scotland.”

The Working Party submitted their report in 1950 (H.M.S.O., 1s. 3d. net), and the summary of recommendations are as follows :—

For Amending or Additional Legislation

- (i) Premises used for the preparation of meat pies, sausage rolls and other products in which meat is an ingredient should be registered and the Departments concerned should consider whether section 14 of the Food and Drugs Act, 1938, needs to be amended to resolve any doubt that may at present exist.
- (ii) Section 14 of the Food and Drugs Act, 1938, should be amended to restrict registration to the rooms which it is intended to use at the time application for registration is made, and to require a fresh application for each additional room.
- (iii) The Departments concerned should examine section 14 of the Food and Drugs Act, 1938, to see whether amendment is necessary to ensure that no premises may lawfully be used for the manufacture of meat products unless they have first been registered by the local authority.
- (iv) The provisions of sections 13 and 14 of the Food and Drugs Act, 1938, should be extended to Scotland, either by an amendment of the Act or by regulations.
- (v) Meat products should not be manufactured or stored in rooms used as domestic kitchens or sculleries.

PAGE

469

- (vi) Subsection (1) (e) of section 13 of the Food and Drugs Act should be amended to prohibit the preparation of meat products in rooms having direct access to bedrooms.
- (vii) Meat products should not be manufactured or stored in rooms which have direct access to living rooms. Regulations to this effect should come into force as soon as they are made in respect of newly constructed or newly converted rooms (due notice being given of the intention to make the regulations) and as soon as practicable as regards other premises.
- (viii) The Departments concerned should consider whether section 13 of the Food and Drugs Act should be amended to provide for the sufficient and adequate lighting of all rooms.
- (ix) Regulations be made requiring that—
 - (a) floors of rooms used for the manufacture of meat products shall be made of impervious material and be so constructed as to be easily drained and cleaned;
 - (b) the surfaces of the walls of such rooms shall be impervious and if painted it shall be with a non-flaking material, the walls of newly constructed or newly converted rooms shall be tiled to a minimum height of five feet, and the junction of such walls with the floor shall be coved;
 - (c) newly constructed or newly converted rooms used for the manufacture of meat products shall have a minimum height of eight feet;
 - (d) ceilings of rooms shall be constructed so that there is no risk of dust and dirt falling from them and so as to minimise condensation, and they shall be finished with a non-flaking preparation.
- (x) The Departments concerned should consider making regulations under the Food and Drugs Act to secure that all premises are adequately proofed against infestation by rodents.
- (xi) The presence of domestic animals in rooms used for the preparation and storage of meat products should be prohibited.
- (xii) Provision should be made for a *constant* supply of hot water for the cleansing of equipment and utensils and for personal washing.
- (xiii) Equipment used in the preparation and storage of meat products should be thoroughly cleansed as soon as practicable after use and should be scalded with boiling water or steam, or failing that, be effectively cleansed with a suitable bactericidal agent and before it is next used be in a state of thorough cleanliness.
- (xiv) Separate sinks or washing tanks should be provided for the cleansing of equipment and utensils used for preparing

- meat products ; the local authority should be satisfied that the sinks and washing tanks are suitable for the purpose.
- (xv) Equipment for the cooling of open-packed meat products should be installed in all premises used for the manufacture of such products to the satisfaction of the local authority.
 - (xvi) When meat and offal not intended for human consumption are processed on premises used for the manufacture of meat products for human consumption, they should be handled and prepared in a separate room from that used for the manufacture of meat products for human consumption, and should be kept apart from meat and meat products intended for human consumption.
 - (xvii) When using gelatin the following conditions should be observed—
 - (a) Gelatin should be handled only with equipment which before use is perfectly clean and which is not allowed to become contaminated while being used ;
 - (b) Immediately before use, the gelatin should be brought to the boil and boiled for not less than five minutes ;
 - (c) After gelatin has been added to products, they should be cooled as rapidly as possible and afterwards kept at a temperature not exceeding 50° F. ;
 - (d) Gelatin left over after the day's work should be cooled as quickly as possible and kept in a cold room at a temperature not exceeding 50° F. until it is boiled again before use.
 - (xviii) Animal casings should, immediately before use, be thoroughly rinsed with cold running water.
 - (xix) Pastry should be pierced only with a clean instrument.
 - (xx) All meat products in sealed containers should be code marked.
 - (xxi) The substance of paragraph 3 of the Model Byelaws, modified as necessary to apply to meat products, should be embodied in regulations.
 - (xxii) The Departments concerned should give immediate consideration to the extension of the relevant provisions of the Public Health (Infectious Diseases) Regulations, to all infective conditions that can cause food poisoning.
 - (xxiii) Persons engaged in the preparation and handling of meat products should wear clean, washable overalls ; persons carrying meat should, in addition, wear washable head coverings. Both overalls and head coverings should be kept clean.
 - (xxiv) The Departments concerned should consider an amendment of sub-section (1) (i) of section 13 of the Food and Drugs Act to legalise the use of hot-air hand driers as an alternative to towels.

PAGE

469

- (xxv) The use of tobacco in rooms used for the preparation or storage of meat products or raw materials should be prohibited.
- (xxvi) Posters about hygiene should be placed in a prominent position near every sanitary convenience on the premises ; the wording should require persons to wash their hands after using the lavatory.

For incorporation in a Code of Practice

- (i) Emphasis should be given to the importance of meat being stored and de-frosted under hygienic conditions.
- (ii) Handling of ingredients and meat products should be reduced to the minimum.
- (iii) Provision should be made for adequate ventilation, lighting and drainage in basement rooms and the installation of electric fans and specially designed hoods, screens or ventilators for the removal of steam and fumes.
- (iv) Manufacturers should take all necessary precautions to prevent the access of birds to rooms used for the preparation or storage of meat products.
- (v) Attention should be drawn to the defects of tables with wooden tops and, whenever possible, tops of tables should have an impervious surface which can be easily cleansed.
- (vi) (a) Gelatin while being used should, so far as possible, be maintained at a temperature of not less than 150° F. For certain processes, however, in which gelatin cannot be used at this temperature, small quantities should be taken from the main supply from time to time and used as quickly as possible so that there is the minimum drop in temperature.
(b) Gelatin should, whenever possible, be used on the day on which it is first prepared for use.
- (vii) Pre-cooked meat for pies, if not used immediately, should be cooled to 50° F. or less as quickly as possible after cooking and should be kept at or below that temperature until required.
- (viii) Open-packed cooked meat products should be cooled under hygienic conditions as rapidly as possible and all such products should be stored at a temperature not exceeding 50° F.
- (ix) In processing tongues, the following conditions should be observed :—
 - (a) After the removal of the skin and any trimming that is necessary, tongues should be boiled for not less than five minutes to destroy the effect of any surface contamination that may have taken place.
 - (b) The final cooking should take place after the tongue has been placed in the mould in which it is to be pressed.
 - (c) At all times the handling of tongues after cooking should be reduced to a minimum.

- (d) The tongue should be removed from the mould while it is quite cold and in a manner that does not give rise to contamination.
- (x) For pickling meat, a clean tank having impervious interior surfaces should be used and the brine should be wholesome; in addition, precautions should be taken to safeguard the meat against contamination both before and after immersion in the brine.
- (xi) Wherever possible, open-packed meat products should be code marked.
- (xii) When the processing of meat and offal not intended for human consumption takes place on premises used for the manufacture of meat products for human consumption, persons handling the inedible products should not engage in the preparation or handling of meat products for human consumption.
- (xiii) Manufacturers should, when interviewing applicants for employment, make such enquiries as they reasonably can to ascertain whether the applicant has a satisfactory medical history and whether from the standpoint of apparent personal cleanliness he or she is otherwise suitable for employment in the meat products trades.
- (xiv) Workers, particularly women, should wear clean, washable head coverings which effectively cover the hair.
- (xv) Attention should be drawn to the following:—
- (a) The hands of all workers should be clean at all times when engaged in the preparation and handling of meat products;
 - (b) The hands and forearms should be free from any suppurative condition and cuts should be hygienically dressed on the lines suggested in Appendix III of this Report.
 - (c) Nails should be trimmed and free from coloured nail varnish;
 - (d) Hands and particularly nails should be thoroughly washed with warm water and soap immediately before commencing work, after each visit to the lavatory and at any other time when they may have become contaminated;
 - (e) Dress rings should not be worn.
- (xvi) Facilities for washing the hands should be conveniently placed, if possible in the room in which the work is being done, so as to make it easy for individuals to wash their hands whenever necessary. Such facilities should, of course, be additional to those in or adjacent to lavatories. The use of a germicidal soap should be considered.
- (xvii) Posters emphasising the importance of hygiene should be displayed in all rooms where meat products are being prepared, handled or stored.

AGE

69

We recommend in addition, the following action for the education of workers engaged in the meat products industry—

- (i) New entrants to the industry should be given instruction in the principles of hygiene.
- (ii) Manufacturers should encourage the most promising members of their staff to attend more advanced technical classes and lectures on food hygiene.
- (iii) Manufacturers should avail themselves, on behalf of their staff, of the facilities provided by the Central Council for Health Education and by the Scottish Council for Health Education.
- (iv) Trade associations should co-operate to produce more films and film strips in which workers in meat products trades take part.

The Ministry of Food have now issued a series of Model Byelaws—*see ante*, p. 623 in this Supplement.

- 76 **Line 19 and footnote (u).**—Section 32 of the Diseases of Animals Act, 1894 has been repealed and re-enacted in section 61 of the Diseases of Animals Act, 1950.

Market days and hours.—The power to approve market days and hours has been transferred from the Minister of Health to the Home Secretary—see Transfer of Functions (Secretary of State and Minister of Health) Order, 1948 ; S.I. 1948, No. 865.

- 77 **Stallages, tolls and other charges.**—The functions of the Minister of Health under section 47 of the Act of 1938, have been transferred to the Home Secretary—see Transfer of Functions (Secretary of State and Minister of Health) Order, 1946 ; S.R. & O. 1946, No. 1757.

- 79 **Line 8 and footnote (i).**—This return must now be sent to the Minister of Local Government and Planning, instead of the Minister of Health—see Transfer of Functions (Minister of Health and Minister of Local Government and Planning) (No. 1) Order, 1951 ; S.I. 1951, No. 142.

Section 50, Food and Drugs Act, 1938.—Byelaws made under this section are now subject to confirmation by the Home Secretary instead of the Minister of Health—see Transfer of Functions (Secretary of State and Minister of Health) Order, 1948 ; S.I. 1948, No. 865.

- 83 **Last paragraph.**—The functions of the Minister of Health in relation to the confirmation of byelaws made under

PAGE

483 section 56 of the Act of 1938, have been transferred to the Home Secretary—see Transfer of Functions (Secretary of State and Minister of Health) Order, 1946 ; S.R. & O. 1946, No. 1757.

485 **Livestock (Sales) Order, 1940.**—See now the Livestock (Sales) Order, 1949 ; S.I. 1949, No. 1253.

486 **Diseases of Animals Act, 1894.**—This Act was repealed by the Diseases of Animals Act, 1950, which came into operation on the 1st January, 1951, and is now the principal Act dealing with diseases of animals.

Functions of Ministry of Agriculture and Fisheries.—The general powers of the Minister of Agriculture and Fisheries are contained in section 1, *infra*.

Section 1, Diseases of Animals Act, 1950—General powers of Minister.

(1) The Minister may make such orders as he thinks fit. subject and according to the provisions of this Act,—

- (a) generally for the better execution of this Act, or for the purpose of in any manner preventing the spreading of disease ; and
- (b) in particular for the several purposes set out in this Act.

(2) Orders made by the Minister may provide—

- (a) for prescribing modes of cleansing and disinfection ;
- (b) for prescribing and regulating the marking of animals ;
- (c) for prescribing and regulating the seizure, detention and disposal of a diseased or suspected animal exposed, carried, kept or otherwise dealt with in contravention of an order of the Minister ; and for prescribing and regulating the liability of the owner or consignor or consignee of such animal to the expenses connected with the seizure, detention and disposal thereof ;
- (d) for securing a proper supply of water and food to animals during any detention thereof ;
- (e) for prescribing and regulating the destruction, burial, disposal or treatment of carcasses of animals dying while diseased or suspected ;
- (f) for prohibiting or regulating the digging up of carcasses which have been buried ;
- (g) for prescribing and regulating the disinfection of the clothes of persons coming in contact with or employed about diseased or suspected animals and the use of precautions against the spreading of disease by such persons ; and
- (h) for prescribing and regulating the payment and recovery of expenses in respect of animals.

PAGE

486 Line 31 and footnote (a).—Section 7 of the Act of 1894 has been repealed and replaced by section 13 of the Diseases of Animals Act, 1950.

Line 32 and footnote (b).—Section 14 of the Act of 1894 has been repealed and replaced by section 14 of the Diseases of Animals Act, 1950.

Line 32 and footnote (c).—Section 15 of the Act of 1894 has been repealed and replaced by section 15 of the Diseases of Animals Act, 1950.

Line 32 and footnote (d).—Section 16 of the Act of 1894 has been repealed and replaced by section 16 of the Diseases of Animals Act, 1950.

Line 35 and footnote (e).—Section 10 of the Act of 1894 has been repealed and replaced by section 17 of the Diseases of Animals Act, 1950.

487 Line 1 and footnote (f).—Section 3 of the Diseases of Animals Act, 1935, has been repealed. The Diseases of Animals Act, 1950, has effect in relation to poultry as it has effect in relation to animals, subject to the provisions of the Act contained in sections 46 to 51.

Line 4 and footnote (g).—Section 22 of the Agriculture Act, 1937, has been repealed and replaced by section 17 of the Diseases of Animals Act, 1950.

Line 7 and footnote (h).—Section 20 of the Act of 1894 has been repealed and replaced by subsection (1) of section 19 of the Diseases of Animals Act, 1950.

Line 15 and footnote (i).—Section 21 of the Act of 1894 has been repealed and replaced by section 21 of the Diseases of Animals Act, 1950.

Line 17 and footnote (k).—Section 25 of the Act of 1894 has been repealed and replaced by section 24 of the Diseases of Animals Act, 1950.

Line 20 and footnote (l).—Section 27 of the Act of 1894 has been repealed and replaced by section 27 of the Diseases of Animals Act, 1950.

Line 22 and footnote (m).—Section 30 of the Act of 1894 has been repealed and replaced by section 33 of the Diseases of Animals Act, 1950.

PAGE

487 Line 23 and footnote (n).—Section 24 of the Act of 1894 has been repealed and replaced by section 25 of the Diseases of Animals Act, 1950; as to slaughter, see Schedule 1, Part I of the Act of 1950.

Line 26 and footnote (o).—Section 23 of the Agriculture Act, 1937, has been repealed and replaced by section 5 of the Diseases of Animals Act, 1950.

Line 36 and footnote (p).—Section 59 (1) of the Act of 1894 has been repealed. The definition of "swine fever" is now contained in section 84 (4) of the Diseases of Animals Act, 1950.

488 Line 3 and footnote (q).—Section 22 of the Act of 1894 has been repealed. The expression "disease" is defined in section 84 (3) of the Diseases of Animals Act, 1950, to mean cattle plague, pleuro-pneumonia, foot-and-mouth disease, sheep-pox, sheep scab or swine-fever, together with any other disease to which the provisions of the Act are extended by order made by the Minister of Agriculture.

Line 16 and footnote (r).—Section 1 (1) of the Diseases of Animals Act, 1935, has been repealed, and replaced by section 45 of the Diseases of Animals Act, 1950. The expression "disease" in relation to poultry (domestic fowls, turkeys, geese, ducks, guinea-fowls, pigeons, pheasants and partridges—section 84 (2), Diseases of Animals Act, 1950) is defined in subsection (3) of section 84 of the Diseases of Animals Act, 1950, *infra*.

Section 84, Diseases of Animals Act, 1950—Interpretation.

(3) In this Act, unless the context otherwise requires, the expression "disease"—

(b) in so far as this Act applies to poultry, means—

- (i) fowl pest in any of its forms, including Newcastle disease and fowl plague, and
- (ii) pneumo-encephalitis, fowl cholera, contagious bronchitis, infectious laryngo-tracheitis, bacillary white diarrhoea, fowl typhoid, fowl pox and fowl paralysis, so, however, that the Minister may, for all or any of the purposes of this Act, by order extend this definition so that it shall, for those purposes or any of them, comprise any other disease of birds or restrict this definition so that it shall, for those purposes or any of them, exclude any of the diseases mentioned in sub-paragraph (i) of paragraph (b) of this subsection.

PAGE

488 Line 19 and footnote (s).—Section 1 (2) of the Diseases of Animals Act, 1935, has been repealed, and replaced by section 84 (3) (b) of the Diseases of Animals Act, 1950, *supra*.

Line 23 and footnote (t).—Section 59 (1) of the Act of 1894 has been repealed and replaced by section 84 (1) of the Diseases of Animals Act, 1950, which defines the expression "animals" as follows :—

Section 84 (1), Diseases of Animals Act, 1950.—Interpretation.

(1) In this Act, unless the context otherwise requires, the expression "animals" means cattle, sheep and goats, and all other ruminating animals and swine :

Provided that—

(a) the Minister may, for all or any of the purposes of this Act, by order extend this definition so that it shall, for those purposes or any of them, comprise any other kind of four-footed beasts ;

(b) in the application of this Act to poultry this definition shall not have effect.

Line 26 and footnote (u).—Section 22 of the Act of 1894 has been repealed and replaced by section 84 (1) of the Diseases of Animals Act, 1950, *supra*.

Line 29 and footnote (t).—Section 59 (1) of the Act of 1894 has been repealed and replaced by section 84 (4) of the Diseases of Animals Act, 1950.

Line 36 and footnote (v).—Section 59 (1) of the Act of 1894 has been repealed and replaced by section 84 (4) of the Diseases of Animals Act, 1950.

489 Line 10 and footnote (w).—Section 3 of the Act of 1894 has been repealed and replaced by section 59 of the Diseases of Animals Act, 1950.

Line 25 and footnote (y).—Section 31 and Sched. 5 of the Act of 1894 have been repealed and replaced by section 60 and the Fourth Schedule to the Diseases of Animals Act, 1950.

Line 34 and footnote (a).—Section 39 of the Act of 1894 has been repealed and replaced by section 68 of the Diseases of Animals Act, 1950.

490 Line 8 and footnote (c).—Section 32 (1) of the Act of 1894 has been repealed and replaced by section 61 of the Diseases of Animals Act, 1950.

PAGE

490 Line 10 and footnote (d).—Section 33 of the Act of 1894 has been repealed and replaced by section 62 of the Diseases of Animals Act, 1950.

Line 18 and footnote (e).—Section 42 of the Act of 1894 has been repealed and replaced by section 70 of the Diseases of Animals Act, 1950.

Line 20 and footnote (f).—Section 1 of the Diseases of Animals Act, 1909, has been repealed.

Line 23 and footnote (g).—Section 38 of the Act of 1894 has been repealed and replaced by section 67 of the Diseases of Animals Act, 1950.

Line 28 and footnote (h).—Section 34 of the Act of 1894 has been repealed and replaced by section 63 of the Diseases of Animals Act, 1950.

Line 36 and footnote (i).—Section 35 of the Act of 1894 has been repealed and replaced by section 64 of the Diseases of Animals Act, 1950.

Line 39 and footnote (k).—Section 59 (1) of the Act of 1894 has been repealed and replaced by section 84 (4) of the Diseases of Animals Act, 1950.

491 Line 18 and footnote (p).—Section 48 of the Act of 1894 has been repealed and replaced by section 77 (1) of the Diseases of Animals Act, 1950.

492 Section 43, Diseases of Animals Act, 1894.—Repealed and replaced by section 71 of the Diseases of Animals Act, 1950, *infra*.

Section 71, Diseases of Animals Act, 1950—Duties and authorities of constables.

(1) The police force of each police area shall execute and enforce this Act and every order of the Minister.

(2) Where a person is seen or found committing, or is reasonably suspected of being engaged in committing, an offence against this Act, a constable may, without warrant, stop and detain him; and, if his name and address are not known to the constable, and such person fails to give them to the satisfaction of the constable, the constable may, without warrant, apprehend him; and the constable may, whether so stopping or detaining or apprehending the person or not, stop, detain, and examine any animal, vehicle, boat, or thing to which the offence or suspected offence relates and require the same to be forthwith taken

PAGE

492

back to or into any place, or district wherefrom or whereout it was unlawfully removed, and execute and enforce that requisition.

(3) If any person obstructs or impedes or assists to obstruct or impede a constable or other officer in the execution of this Act or of an order of the Minister or of a regulation of a local authority the constable or officer may without warrant apprehend the offender.

(4) A person apprehended under this section shall be taken with all practicable speed before a justice, and shall not be detained without a warrant longer than is necessary for that purpose ; and all enactments relating to the release of persons on recognizances taken by an officer of police or a constable shall apply in the case of a person apprehended under this section

(5) The foregoing provisions of this section respecting a constable extend and apply to any person called by a constable to his assistance.

(6) A constable shall forthwith make a report in writing to his superior officer of every case in which he stops any person, animal, vehicle, boat, or thing under this section, and of his proceedings consequent thereon.

Provided that the payment of the expenses under this Act of the local authority for the County of London shall be a general county purpose.

Line 45 and footnote (r).—Section 4 (2) of the Act of 1894 has been repealed and replaced by section 8 (2) of the Diseases of Animals Act, 1950.

493 Section 44, Diseases of Animals Act, 1894.—Repealed and replaced by section 73 of the Diseases of Animals Act, 1950, *infra*.

Section 73, Diseases of Animals Act, 1950—General powers of inspectors.

(1) An inspector shall have, for the purposes of this Act, all the powers which a constable has, under this Act or otherwise, in the place where the inspector is acting.

(2) An inspector may at any time enter any land or shed to which this Act applies, or other building or place wherein he has reasonable grounds for supposing—

(a) that disease exists or has within fifty-six days existed ; or
(b) that the carcase of a diseased or suspected animal is or has been kept, or has been buried, destroyed, or otherwise disposed of ; or

(c) that there is to be found any pen, place, vehicle, or thing in respect whereof any person has on any occasion failed to comply with the provisions of this Act, or of an order of the Minister, or of a regulation of a local authority ; or

(d) that this Act or an order of the Minister or a regulation of a local authority has not been or is not being complied with.

(3) An inspector may at any time enter any pen, vehicle, vessel, or boat in which or in respect whereof he has reasonable grounds for supposing that this Act or an order of the Minister or a regulation of a local authority has not been or is not being complied with.

(4) An inspector entering, as herein-before by this section authorised, shall, if required by the owner, or occupier, or person in charge of the land, building, place, pen, vehicle, vessel, or boat, state in writing his reasons for entering.

(5) A certificate of a veterinary inspector to the effect that an animal is or was affected with a disease specified in the certificate shall, for the purposes of this Act, be conclusive evidence in all courts of justice of the matter certified.

(6) An inspector of the Minister shall have all the powers of an inspector throughout England and Wales or that part thereof for which he is appointed, and in addition to the powers herein-before conferred upon inspectors, an inspector of the Minister may at any time for the purpose of ascertaining whether pleuropneumonia foot-and-mouth disease, or swine-fever exists or has within fifty-six days existed, in any shed, land, or other place, enter such shed, land, or place.

Reports—Line 47 and footnote (s).—Section 36 of the Act of 1894 has been repealed and replaced by section 65 of the Diseases of Animals Act, 1950.

494 Line 1 and footnote (t).—Section 35 (3) of the Act of 1894 has been repealed and replaced by section 64 (2) of the Diseases of Animals Act, 1950.

Obstruction of officer—Line 12 and footnote (w).—Section 62 of the Act of 1894 has been repealed and replaced by section 78 (1) (vi) of the Diseases of Animals Act, 1950.

Section 52, Diseases of Animals Act, 1894.—Repealed and replaced by section 78 of the Diseases of Animals Act, 1950, *infra*.

Section 78, Diseases of Animals Act, 1950.—Offences against this Act.

(1) If any person, without lawful authority or excuse, proof whereof shall lie on him, does any of the following things, he shall be guilty of an offence against this Act :—

(i) if he does anything in contravention of this Act, or of an order of the Minister, or of a regulation of a local authority ;
or

(ii) if, where required by this Act or by an order of the Minister to keep an animal separate as far as practicable, or to give notice of disease with all practicable speed, he fails to do so ;, or

PAGE

494

- (iii) if he fails to give, produce, observe, or do any notice, licence, rule, or thing which by this Act, or by an order of the Minister, or by a regulation of a local authority, he is required to give, produce, observe, or do ; or
- (iv) if he does anything which by this Act or an order of the Minister is made or declared to be not lawful ; or
- (v) if he does or omits anything, the doing or omission whereof is declared by this Act or by an order of the Minister to be an offence by him against this Act ; or
- (vi) if he refuses to an inspector or other officer, acting in execution of this Act, or of an order of the Minister, or of a regulation of a local authority, admission to any land, building, place, vessel, pen, vehicle, or boat which the inspector or officer is entitled to enter or examine, or obstructs or impedes him in so entering or examining, or otherwise in any respect obstructs or impedes an inspector or constable or other officer in the execution of his duty, or assists in any such obstructing or impeding ; or
- (vii) if he throws or places, or causes or suffers to be thrown or placed, into or in any river, stream, canal, navigation, or other water, or into or in the sea within three miles of the shore, the carcase of an animal which has died of disease, or been slaughtered as diseased or suspected.

(2) If any person does any of the following things, he shall be guilty of an offence against this Act :—

- (i) if, with intent to unlawfully evade this Act, or an order of the Minister, or a regulation of a local authority, he does anything for which a licence is requisite under this Act, or an order of the Minister, or a regulation of a local authority, without having obtained a licence ; or
- (ii) if, where a licence is requisite, having obtained a licence, he, with the like intent, does the thing licensed after the licence has expired ; or
- (iii) if he uses or offers or attempts to use as such a licence an instrument not being a complete licence, or an instrument untruly purporting or appearing to be a licence, unless he shows to the satisfaction of the court that he did not know of that incompleteness or untruth, and that he could not with reasonable diligence have obtained knowledge thereof ; or
- (iv) if, with intent to unlawfully evade this Act, or an order of the Minister, or a regulation of a local authority, he alters, or falsely makes, or ante-dates, or counterfeits, or offer or utters, knowing the same to be altered, or falsely made, or ante-dated, or counterfeited, a licence, declaration, certificate, or instrument made or issued, or purporting to be made or issued, under or for any purpose of this Act, or of an order of the Minister, or of a regulation of a local authority ; or
- (v) if, for the purpose of obtaining a licence, certificate, or instrument, he makes a declaration or statement false in any material particular, unless he shows to the satisfaction

of the court that he did not know of that falsity, and that he could not with reasonable diligence have obtained knowledge thereof ; or

- (vi) if he obtains or endeavours to obtain such a licence, certificate, or instrument by means of a false pretence, unless he shows to the satisfaction of the court that he did not know of that falsity, and that he could not with reasonable diligence have obtained knowledge thereof ; or
- (vii) if he grants or issues such a licence, certificate, or instrument, being false in any date or other material particular, unless he shows to the satisfaction of the court that he did not know of that falsity, and that he could not with reasonable diligence have obtained knowledge thereof, or if he grants or issues such a licence, certificate, or instrument, having, and knowing that he has, no lawful authority to grant or issue the same ; or
- (viii) if, with intent to unlawfully evade or defeat this Act, or an order of the Minister, or a regulation of a local authority, he grants or issues an instrument being in form a licence, certificate, or instrument made or issued under this Act or an order of the Minister or a regulation of a local authority, for permitting or regulating the movement of a particular animal, or the doing of any other particular thing, but being issued in blank, that is to say, not being before the issue thereof so filled up as to specify any particular animal or thing ; or
- (ix) if he uses or offers or attempts to use for any purpose of this Act, or of an order of the Minister, or of a regulation of a local authority, an instrument so issued in blank, unless he shows to the satisfaction of the court that he did not know of it having been so issued in blank, and that he could not with reasonable diligence have obtained knowledge thereof ; or
- (x) if he by means of any fraud or false pretence obtains, or attempts to obtain, compensation from the Minister in respect of an animal slaughtered, or aids or abets any person in any such fraud or false pretence ; or
- (xi) if, without lawful authority or excuse, proof whereof shall lie on him, he digs up, or causes to be dug up, a carcase buried under the direction of the Minister or of a local authority or of a receiver of wreck ; or
- (xii) If, where the Minister has by order prohibited, absolutely or conditionally, the use for the carrying of animals, or for any purpose connected therewith, of a vessel, vehicle, or pen, or other place, he, without lawful authority or excuse, proof whereof shall lie on him, does anything so prohibited.

495 Line 19 and footnote (x).—Section 51 of the Act of 1894 has been repealed and replaced by section 79 of the Diseases of Animals Act, 1950, *infra*.

PAGE

495

Section 79, Diseases of Animals Act, 1950—Punishment for offences against this Act.

(1) If any person is guilty of an offence against this Act he shall for every such offence be liable—

(a) to a fine not exceeding fifty pounds ; or

(b) if the offence is committed with respect to more than ten animals, to a fine not exceeding five pounds for each animal ; or

(c) where the offence is committed in relation to carcases fodder, litter, dung or other thing (exclusive of animals), to a fine not exceeding ten pounds in respect of every half ton in weight thereof after one half ton in addition to the first fine not exceeding fifty pounds.

(2) Where a person has been convicted of an offence under any paragraph of subsection (1) of the last foregoing section, he shall be liable, on a further conviction within a period of twelve months for a second or subsequent offence against the same paragraph, in the discretion of the court, to be imprisoned for any term not exceeding one month in lieu of the fine to which he is liable under the foregoing subsection.

(3) A person guilty of an offence under subsection (2) of the last foregoing section shall be liable on conviction, in the discretion of the court, to be imprisoned for any term not exceeding two months in lieu of the fine to which he is liable under subsection (1) of this section.

(4) Nothing in this section shall apply in relation to an offence punishable under section seven of this Act.

Section 7 of the Act of 1950 relates to offences in connection with the eradication of tuberculosis and imposes special penalties in respect thereof.

Section 53, Diseases of Animals Act, 1894, has been repealed and incorporated in section 79 of the Diseases of Animals Act, 1950, *supra*.

497 Line 7 and footnote (y).—Section 54 of the Act of 1894 has been repealed and replaced by section 80 of the Diseases of Animals Act, 1950.

Line 13 and footnote (b).—Section 57 (2) of the Act of 1894 has been repealed and replaced by section 83 (2) of the Diseases of Animals Act, 1950.

Line 19 and footnote (c).—Section 57 (1) of the Act of 1894 has been repealed and replaced by section 83 (1) of the Diseases of Animals Act, 1950.

Line 22 and footnote (d).—Section 44 (5) of the Act of 1894 has been repealed and replaced by section 73 (5) of the Diseases of Animals Act, 1950. •

PAGE

497 Line 28 and footnote (e).—Section 24 of the Act of 1894 has been repealed and replaced by section 25 of the Diseases of Animals Act, 1950.

498 Line 21 and footnote (f).—Section 30 of the Act of 1894 has been repealed and replaced by section 33 of the Diseases of Animals Act, 1950.

Line 31 and footnote (g).—Section 4 of the Diseases of Animals Act, 1935, has been repealed, and replaced by section 49 of the Diseases of Animals Act, 1950.

Footnote (i).—Additional Orders have been made dealing with foreign hay and straw—S.R. & O. 1947, Nos. 774 and 1177.

Footnote (m).—S.R. & O. 1932, No. 803 and S.R. & O. 1940, No. 1795, have been revoked and replaced by the Diseases of Animals (Boiling of Animal Foodstuffs) Order, 1947 ; S.R. & O. 1947, No. 1175.

499 Line 2 and footnote (n).—The Importation of Animals Act, 1922, has been repealed. The importation of live animals is now regulated by section 29 of the Diseases of Animals Act, 1950 ; and from Ireland, by section 31 of the Act of 1950, *supra*. Section 30 of the Diseases of Animals Act, 1950, authorises the Minister of Agriculture and Fisheries to allow the importation of Canadian animals, other than cattle, without slaughter, subject to such conditions as may be prescribed by Order.

Line 3 and footnote (o).—See *supra*, regarding the repeal of the Importation of Animals Act, 1922 (Session 2), as amended by the Ottawa Agreements Act, 1932.

Line 4 and footnote (p).—The Importation of Pedigree Animals Act, 1925, as amended, has now been repealed, and replaced by section 26 of the Diseases of Animals Act, 1950.

Section 22, Diseases of Animals Act, 1894, has been repealed. The Minister of Agriculture and Fisheries is empowered to make orders dealing with a number of matters by the following sections of the Diseases of Animals Act, 1950—

PAGE

- 499 Section 1—General Powers of Minister.
2—Power to authorise the making of regulations by local authorities.
5—Eradication areas and attested areas for cattle.
11—Orders relating to infected places and areas.
20—Regulation of movement of animals, etc.
24—Orders prohibiting import of animals, etc.
33—Regulation of ports and imported animals.
44—Power of Minister to make order as to dogs.

Footnote (s).—The Poultry and Hatching Eggs (Importation) Order, 1936, has been revoked and replaced by the Poultry and Hatching Eggs (Importation) Order, 1947 ; S.R. & O. 1947, No. 1426, which has been amended by S.R. & O. 1947, No. 2914. See also Poultry Carcases (Importation) Order, 1950 ; S.I. 1950, No. 1087.

- 515 **Line 1.**—The Fowl Pest Order, 1936 has been amended by the Fowl Pest (Amendment) Order, 1947 ; S.R. & O. 1947, No. 871 ; and the Fowl Pest (Amendment) Order, 1947, No. 2 ; S.R. & O. 1947, No. 1176.

- 516 **Article 1, Fowl Pest Order, 1936.**—This Article has been revoked and the following substituted for it :—

Every person having in his possession or under his charge any poultry or the carcase of any poultry which is affected or suspected of being affected with fowl pest, must immediately notify a police constable. A veterinary surgeon must also notify a constable if a case or suspected case of fowl pest comes to his notice. The constable receiving any such notification must forthwith notify the veterinary inspector of the Ministry of Agriculture and Fisheries—Fowl Pest (Amendment) Order, 1947, No. 2 ; S.R. & O. 1947, No. 1176.

Footnote (o).—The definition of “ *poultry* ” is now contained in section 84 (2) of the Diseases of Animals Act, 1950 and is as follows—

“ In this Act, unless the context otherwise requires, the expression “ *poultry* ” means birds of the following species, that is to say,—

(a) domestic fowls, turkeys, geese, ducks, guinea-fowls and pigeons ; and

(b) pheasants and partridges :

Provided that the Minister may, for all or any of the purposes of this Act, in so far as it applies to poultry by order extend this definition so that it shall, for those purposes or any of them, comprise any other species of bird or restrict this definition so that it shall, for those purposes or any of them, exclude any of the species of bird mentioned in paragraph (b) of this subsection.”

PAGE

- 524 The Sheep Scab Order, 1938.**—This Order has been amended by the Sheep Scab (Amendment) Order, 1948 ; S.I. 1948, No. 83.
- 525 Article 6—Double-dipping of sheep.**—Where sheep are required to be “double-dipped” in accordance with the provisions of the Sheep Scab Order, 1938, it is now sufficient compliance with such requirement if they are or have been dipped once in a “single-dipping” type of sheep dip approved by the Minister of Agriculture—Sheep Scab (Amendment) Order, 1948 ; S.I. 1948, No. 83.
- 529 Article 2, Swine Fever Order, 1938.**—This Article has been amended by the Swine Fever (Amendment) Order, 1940 ; S.R. & O. 1940, No. 1356.
- 530 Article 5.**—As to restrictions on the movement of swine in a scheduled area, see Regulation of Movement of Swine Order, 1950 ; S.I. 1950, No. 1302.
- 532 After Article 14 add.**—Article 14A has been added after Art. 14 and deals with swine fever found in a slaughter-house or bacon factory. Where a pig or pig carcass affected or suspected of being affected with, this disease is found on such premises, the inspector of the local authority may by notice require it to be removed to a suitable place to await examination by a veterinary inspector of the Ministry of Agriculture. Any other pig, which in the opinion of the inspector, has been exposed to infection may be detained for examination—Swine Fever (Amendment) Order, 1940 ; S.R. & O. 1940, No. 1356.
- Tuberculosis Order 1938.**—This Order has been amended by the Tuberculosis (Amendment) Order, 1946 ; S.R. & O. 1946, No. 122. As to the Scheme for the Eradication of Bovine Tuberculosis, see *post*, p. 238 in this Supplement.
- 535 Line 4, after the word “widespread” add the following words :—**“that is to say where there are tuberculous lesions in two or more carcase lymphatic glands in addition to lesions in two or more other lymphatic glands not confined to the thoracic cavity or to the abdominal cavity ; “carcase lymphatic glands” for this purpose excludes the supre-sternal, xiphoid, superficial pectoral

PAGE

535 and subdorsal glands, but includes the renal and supra-mammary glands together with any other lymphatic glands which normally remain in a dressed carcass"—Tuberculosis (Amendment) Order, 1946 ; S.R. & O. 1946, No. 122, art. 1.

Lines 7 to 10—delete the words " the substance " to " nervous system ", and substitute the following words.—" any two of the following:— the substance of the spleen, of the kidney, of the udder, of any part of the reproductive system, and the substance or membranes of any part of the central nervous system"—Tuberculosis (Amendment) Order, 1946 ; S.R. & O. 1946, No. 122.

Warble Fly (Dressing of Cattle) Order, 1936.—This Order has been revoked and replaced by the Warble Fly (Dressing of Cattle) Order, 1948 ; S.I. 1948, No. 423.

536 Line 1 et seq.—Infected cattle must be dressed within seven days after the commencement of the dressing season or as soon after as the maggots appear under the skin on the backs of the cattle ; infected cattle that come into the ownership of any person at any time during the dressing season must be dressed within seven days after the cattle come into such ownership ; infected cattle must be dressed at intervals of not more than 32 days for so long as the maggots continue to appear under the skin on the backs of the cattle or until the end of the dressing season whichever is the earlier ; the dressing season commences on the 15th March and ends on the 30th June, in each year—Warble Fly (Dressing of Cattle) Order, 1948 ; S.I. 1948, No. 423, art. 1.

Footnote (r).—See now the Warble Fly (Dressing of Cattle) Order, 1948 ; S.I. 1948, No. 423, First Schedule.

538 Transit of Animals Order, 1927.—This Order has been further amended by the Transit of Animals (Amendment) Order, 1947 ; S.R. & O. 1947, No. 2915.

538- The Tuberculosis (Attested Herds) Scheme, 1938.—

541 This Scheme has been revoked and the notes on pages 538 to 541 should be discarded. The Tuberculosis (Attested Herds) Scheme, 1950 (S.I. 1950, No. 1126) *infra.*, came into operation on 1st October, 1950.

Citation and Interpretation

1. This Scheme (which applies to Great Britain) may be cited as the Tuberculosis (Attested Herds) Scheme, 1950, and shall come into operation on the 1st day of October, 1950.

2.—(1) In this Scheme, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them :—

“ animal ” means bovine animal ;

“ approved disinfectant ” means a five per cent. solution of standard phenol or a disinfectant otherwise approved for the time being by the Minister for the purposes of the Diseases of Animals (Disinfection) Order of 1936 ;

“ approved premises ” means, in relation to an Attested Herd, the premises registered in the Register of Attested Herds as the premises on which that herd is kept and, in relation to a Supervised Herd, the premises on which that herd is kept ;

“ Attested Herd ” means a herd of cattle which is registered in the Register of Attested Herds ;

“ dealer ” means a person habitually engaged in the trade or business of selling cattle (other than cattle bred or reared by him), but does not include a person whose business is to sell for further feeding or for slaughter cattle which he has purchased and fed for that purpose ;

“ licensed ” means licensed under the Milk (Special Designation) (Raw Milk) Regulations, 1949, or under the Milk (Special Designations) (Scotland) Orders, 1936 to 1949, or under any modification of those Regulations or Orders for the time being in force ;

“ Minister ” and “ Ministry ” mean respectively the Minister and the Ministry of Agriculture and Fisheries ;

“ official test ” means a test with tuberculin carried out by a veterinary inspector of the Ministry ;

“ Register of Attested Herds ” means the Register of Attested Herds kept by the Minister ;

“ Rules ” means the Rules contained in the Schedule to this Scheme ;

“ Supervised Herd ” means a herd of cattle which is for the time being subject to the Rules so far as they are applicable to Supervised Herds ;

“ Tuberculin Tested milk ” includes Certified milk ;

“ veterinary surgeon ” means a person registered in the Register of Veterinary Surgeons.

(2) The Interpretation Act, 1889, applies to the interpretation of this Scheme as it applies to the interpretation of an Act of Parliament.

3.—(1) The Tuberculosis (Attested Herds) Scheme and the Rules appended thereto made by the Minister on the 16th day of June, 1938, as amended (hereinafter referred to as the Scheme of 1938), are hereby revoked without prejudice to anything duly done thereunder.

PAGE

538-

541

(2) Applications which have been duly made by owners of herds of cattle under the Scheme of 1938 and which on the date on which this Scheme comes into operation, have not been granted or refused shall have effect as if they had been duly made under this Scheme and herds which, immediately before that date, were Attested Herds or Supervised Herds for the purposes of the Scheme of 1938 shall be subject to the provisions of this Scheme and the Rules relating to Attested Herds and Supervised Herds respectively.

Register of Attested Herds

4. The Minister may keep a register to be known as the Register of Attested Herds and may register therein every herd of cattle—

(a) which immediately before the coming into operation of this Scheme was registered in the Register of Attested Herds kept under the Scheme of 1938, or

(b) which qualifies for registration in accordance with the provisions of Article 5 or Article 6 of this Scheme, and the premises on which such herd is kept.

Qualification for registration in the Register of Attested Herds

5.—(1) Subject as hereinafter provided, the owner of a herd of cattle (not being a herd kept in an area which is for the time being an eradication area or attested area for the purposes of Section 23 of the Agriculture Act, 1937) may apply to the Minister for an official test with a view to the registration of the herd in the Register of Attested Herds and on so applying he shall be required to—

(a) satisfy the Minister that the management of the herd and the conditions in which it is kept are suitable for the observance of the Rules ;

(b) produce the following evidence of the freedom of the herd from tuberculosis, namely, certificates signed by a veterinary surgeon showing that he has applied a tuberculin test to the herd and that on the last two occasions on which the test was applied no reactor was found ; provided that there was an interval of not less than 60 days and not more than 12 months, between the two tests and that the second of the two tests was carried out not more than 12 months before the date of application to the Minister for an official test ;

(c) furnish a declaration that all cattle on the premises on which the herd was kept at the time of the two tests were included in the tests ; and

(d) give a written undertaking that he will upon the herd being declared to be a Supervised Herd observe the Rules so far as they are applicable to Supervised Herds, and that pending a decision on his application no cattle will be moved on to the premises on which the herd is kept without the Minister's sanction.

PAGE

538-

541

(2) If these requirements are met to the satisfaction of the Minister, he may declare the herd to be a Supervised Herd with effect from a date to be determined by the Minister being a date not earlier than the date of application for an official test and the herd shall from the date of such declaration be subject to the Rules so far as they are applicable to Supervised Herds.

(3) An official test shall not be applied earlier than 60 days from the date of the second of the two tests referred to in subparagraph (b) of paragraph (1) of this Article and when applied to a herd shall be applied to all animals in that herd.

(4) If the official test discloses no reactor the herd may be registered in the Register of Attested Herds.

(5) If any reactor is found at the official test, the following procedure shall apply—

(a) the owner of the herd shall immediately isolate the reactor and remove it from the approved premises as quickly as possible and shall immediately thereafter cause those premises to be disinfected in the manner prescribed in Article 9 of this Scheme ;

(b) not earlier than 60 days from the date of completion of the disinfection of the premises a second official test shall be applied to the herd ;

(c) if the second official test discloses no reactor the herd may be registered in the Register of Attested Herds ;

(d) if any reactor is found at the second official test the procedure described in subparagraphs (a) and (b) of this paragraph shall be repeated until an official test discloses no reactor whereupon the herd may be registered in the Register of Attested Herds.

(6) Where in pursuance of this Article a herd is registered in the Register of Attested Herds it shall cease to be a Supervised Herd and shall thereupon be subject to the Rules so far as they are applicable to Attested Herds.

(7) Notwithstanding the foregoing provisions of this Article—

(a) the Minister may, in respect of a herd which on the coming into operation of this Scheme is licensed for the production of Tuberculin Tested milk, waive the requirements of subparagraphs (b) and (c) of paragraph (1) of this Article in the case of an application under the said paragraph made on or before the 31st day of December, 1950, and accompanied by a written undertaking in accordance with subparagraph (d) of the said paragraph and may declare the herd to be a Supervised Herd with effect from the 1st day of October, 1950, and the herd shall, from the date of such declaration, be subject to the Rules so far as they are applicable to Supervised Herds and may subsequently be registered in the Register of Attested Herds if and when the Minister is satisfied that it is free from tuberculosis and is kept in such conditions that it is likely to remain free from infection ; and

PAGE
538-
541

- (b) the Minister may in any case in which it seems to him expedient so to do waive such of the requirements of this Article or modify them in such manner as in the circumstances of the case he may deem proper.

6. In the case of a new herd being constituted by animals transferred from Attested Herds, the Minister may, if he thinks fit, register such herd in the Register of Attested Herds with effect from such date as he may determine, without an official test, and the herd shall thereupon be subject to the Rules so far as they are applicable to Attested Herds.

Cancellation of Registration of Attested Herd and Direction in respect of Supervised Herd

7. The Minister may at any time cancel the registration of a herd in the Register of Attested Herds, or may at any time direct that a Supervised Herd shall cease to be a Supervised Herd, if in his opinion the owner of the herd has failed to observe any of the Rules or any of the conditions of a permit issued under such Rules or any requirement of the Minister under this Scheme.

Tuberculin Tests

8.—(1) The official tests referred to in this Scheme and in the Rules will be carried out without charge to the owner of the herd.

(2) The Minister may if he thinks fit at any time cause an official test to be made of all or any animals in an Attested Herd or Supervised Herd. If any reactor is found, the owner of the herd shall immediately isolate it and remove it from the approved premises as quickly as possible and shall immediately thereafter cause those premises to be disinfected in the manner prescribed in Article 9 of this Scheme.

(3) To prevent the risk of infection from goats or swine kept on the same premises as an Attested Herd or Supervised Herd, the Minister may test such goats or swine with tuberculin or may by notice in writing require them to be tested with tuberculin by a veterinary surgeon at the owner's expense, and may impose such limitation on the free movement of such goats or swine within the premises as the Minister may consider necessary. The owner of the herd shall immediately isolate any goats or swine that react to the test and remove them from the approved premises as quickly as possible and shall immediately thereafter cause those premises to be disinfected in the manner prescribed in Article 9 of this Scheme.

Disinfection of Premises

9. Where in this Scheme or in the Rules the disinfection of premises is required to be carried out after the removal of cattle, goats or swine reacting to the tuberculin test, such disinfection shall be carried out in the following manner :—

- (a) after the removal of the reactors from the approved premises and before the removal of manure from such parts of

PAGE

538-

541

the buildings on those premises as have been occupied by the reactors, the said parts shall be sprayed or saturated with an approved disinfectant ;

- (b) manure shall then be removed from the said parts and stacked in a place remote from cattle, goats and swine and shall not subsequently be spread on pasture land ;
- (c) after the removal of the manure, the said parts and also any other parts of the said buildings with which the cattle, goats or swine or their excretions or sputum may have come in contact shall be thoroughly scraped, the scrapings shall be removed and all those parts shall then be scrubbed and washed thoroughly with a 4 per cent. solution of washing soda in hot water and finally sprayed with an approved disinfectant ;
- (d) all utensils, or other articles, used for and about the cattle, goats or swine shall be thoroughly cleansed and washed with a 4 per cent. solution of washing soda in hot water ;
- (e) the boots worn by and the hands of persons who have carried out the disinfection shall be washed in an approved disinfectant.

Payment of Bonus

10.—(1) Subject as hereinafter provided and subject to the observance by the owner of a herd of the Rules and any condition of a permit issued under the Rules and any requirement of the Minister under this Scheme, the Minister may pay to the owner of a herd which is for the time being a Supervised Herd or an Attested Herd a bonus in accordance with the terms of either Article 11 or Article 12 of this Scheme.

(2) The owner may elect in writing under which of such last mentioned Articles he shall benefit : provided that the Minister may treat any or all of the herds in the same ownership as one herd for the purposes of this paragraph, and may at his discretion, with effect from such date as he may determine, permit the owner to cancel an election made under this paragraph and make a fresh election.

(3) The date as from which bonus shall be payable (hereinafter referred to as " the commencing date ") shall be—

- (a) in the case of a herd which immediately before the coming into operation of this Scheme was registered in the Register of Attested Herds kept under the Scheme of 1938, the 1st day of October, 1950 ; and
- (b) in the case of any other herd, the date with effect from which it was declared to be a Supervised Herd, or if it was registered as an Attested Herd without previously having been a Supervised Herd, the date on which it was so registered : provided that, if in either case that date is not the first day of a calendar month, the commencing date shall be the first day of the following month.

(4) Where bonus has been paid in respect of a herd for a period of six years from the commencing date, no further payment of bonus shall be made :

PAGE

538-
541

Provided that, if prior to the commencing date the herd had already been an Attested Herd or a Supervised Herd but had ceased to be such under the provisions of Article 7 of this Scheme, then, in reckoning the said period of six years and in selecting the rate of bonus payable under Articles 11 and 12, the Minister may take into account any period before the commencing date during which bonus was paid under this Scheme in respect of that herd.

(5) Bonus shall not be payable to a dealer in respect of any cattle in his possession or under his charge for the purpose of dealing.

(6) In all matters relating to this Article and Articles 11 and 12 of this Scheme the decision of the Minister shall be final.

Bonus on Milk

11.—(1) The bonus payable under this Article during the period of four years from the commencing date shall be twopence and during the period of two years next succeeding shall be one penny in respect of each gallon of milk which is sold from the herd under the provisions of a milk marketing scheme, or which is produced from the herd and used for the manufacture on the farm comprising the approved premises of cheese the sale of which is approved for payment by a milk marketing board under any scheme or agreement they may have with farmhouse cheese-makers or which is produced from the herd and used for any purpose for the time being approved by the Minister for the purposes of this Article.

(2) Bonus under this Article shall be payable in respect of the aggregate quantity of milk sold or produced and used as aforesaid in each calendar month after the commencing date and shall be payable at the end of that month to the person who is then the owner of the herd :

Provided that, if there is a change in the ownership of the herd during any such calendar month, then, if the herd is a supervised Herd or an Attested Herd throughout the whole of that month, the bonus for that month shall be apportioned between the former owner and the new owner proportionately to the quantity of milk sold or produced and used as aforesaid during the respective ownerships in that month, but in any other case no bonus under this Article shall be payable to any person for that month.

Bonus on Cattle

12.—(1) The bonus payable under this Article during the period of four years from the commencing date shall be twenty shillings and during the period of two years next succeeding shall be ten shillings in respect of each animal in the herd on the day in June or December, as the case may be, falling within each successive period of six months from the commencing date, on which agricultural statistics are required to be furnished in accordance with regulations made under Section 78 of the Agriculture Act, 1947.

(2) Each payment of bonus under this Article shall be deemed to be made in respect of the period of six months in which the

PAGE

538- said day in June or December, as the case may be, falls and shall
541 be payable [immediately after that day to the person who was the
owner of the herd at the end of that day].*

SCHEDULE

RULES APPLICABLE TO ATTESTED HERDS AND SUPERVISED HERDS

1. *Records.*—The owner of an Attested Herd or Supervised Herd shall keep accurate records of—

- (a) all cattle on the approved premises stating breed, age, sex and marking ; and name of animal, if any ;
- (b) all births and deaths of cattle on the approved premises including cattle slaughtered ; and
- (c) all cattle moved on to or off the approved premises, showing the addresses of the premises from or to which they were so moved, the name of the vendor or purchaser as the case may be, if available, and the date of such movement.

2. *Marking.*—Every animal in an Attested Herd or Supervised Herd shall be marked by the owner in a manner approved by the Minister.

3. *Fences.*—The fences dividing the approved premises from adjoining land shall be maintained to the satisfaction of the Minister in such a condition as to prevent the infection of the herd by cattle on the adjoining land.

4. *Use of Milk, etc., for feeding animals.*—No milk or dairy by-product shall be brought on to the approved premises for feeding to bovine or other animals except direct from premises at which an Attested Herd is kept unless such milk or dairy by-product has been converted into powder form or is boiled or pasteurised. For the purposes of this Rule “pasteurised” means retained at a temperature of not less than 145° and not more than 150° Fahrenheit for at least thirty minutes, or at a temperature of not less than 162° Fahrenheit for at least fifteen seconds.

5. *Consent of Minister to unofficial tuberculin tests.*—No animal in an Attested Herd or Supervised Herd shall be submitted to a test with tuberculin without the consent of the Minister.

6. *Vaccination.*—No animal in an Attested Herd or Supervised Herd shall be vaccinated against tuberculosis.

7. *Entry and examination by Inspector.*—The owner of an Attested Herd or Supervised Herd shall give all reasonable facilities for the entry of an Inspector of the Ministry into the approved premises for the purpose of an examination of the premises, and of the bovine or other animals thereon, and of the records required to be kept or permits issued for the purposes of this Scheme, and for the testing of the animals. The owner shall furnish to the Inspector all such information as may reasonably be required by the Inspector for the purposes of the administration of the Scheme.

* Words in square brackets substituted by S.I. 1950 No. 1803.

8. *Regulation of Movement of Cattle*

(1) *Movement Permits.* No animal shall be moved on to approved premises except under the authority of a permit issued by the Minister under this Rule and in accordance with any conditions subject to which the permit is issued : provided that no such permit shall be required in respect of the movement of an animal between two premises situated within the same attested area for the purposes of Section 23 of the Agriculture Act, 1937.

(2) *Conditions of Permit.* Every such permit shall be issued subject to the following general conditions, namely :—

- (a) during the movement the animal shall not be allowed to come into contact with any other cattle not being moved with a similar permit granted in accordance with these Rules, or with any goats or swine ;
- (b) any vehicle in which the animal is conveyed shall be cleansed and disinfected in the following manner immediately before the animal is placed in it ;

(i) *in the case of a road vehicle—*

the floor, roof and sides of the inside of the vehicle, and all other parts thereof with which such animal or any fodder, litter or other matter may come in contact, shall be scraped and swept, and the scrapings and sweepings and all dung, sawdust, litter and other matter shall be effectually removed from contact with animals ; the same parts of the vehicle shall then be thoroughly washed or scrubbed or scoured with water ; and then be disinfected by being thoroughly coated or washed with an approved disinfectant ;

(ii) *in the case of a railway vehicle—*

the vehicle shall have been cleansed and disinfected in accordance with Article 24 of the Transit of Animals Order of 1927, since it was last used for the conveyance of animals, and in addition to such cleansing and disinfection it shall receive a further coating or washing of the floor, roof and sides of the inside with an approved disinfectant immediately before the animal is placed in it ;

- (c) if it is found necessary to water the animal during the movement, water must be supplied in a clean bucket direct from a tap and not from a water trough ;

and subject to such special conditions (if any) as the Minister may consider appropriate in the circumstances of the case. Subject, however, to the Minister's right at any time to vary the conditions of permits applicable to particular types of movement or to withhold the issue of a permit if he thinks fit, permits for the movements referred to in sub-paragraphs (3) to (7) of this Rule will normally be granted subject to the special conditions (if any) specified in those sub-paragraphs.

(3) *Movement to an Attested Herd or to a Supervised Herd from an Attested Herd.* The permit will normally be issued subject only to the general conditions specified in sub-paragraph (2) of this Rule.

PAGE

538-

541

(4) *Movement to an Attested Herd or to a Supervised Herd from a Supervised Herd or from a herd (not being an Attested Herd) licensed for the production of Tuberculin Tested milk.* A permit will be granted only if the animal when tested on the last occasion with tuberculin at the premises of origin did not react, or is a calf under 14 days old. The animal will be subjected to an official test after the movement has taken place, but not earlier than 60 days after the date of the last test of the animal, or in the case of a calf under 14 days old not earlier than 60 days after its arrival on the premises, and the animal shall be isolated until so tested except for such contact with other animals in the herd as may be necessary for breeding purposes only. If the animal does not react to this test it will be allowed to be added to the Attested Herd or the Supervised Herd as the case may be, but if it reacts the owner of the herd shall immediately isolate it and remove it from the approved premises as quickly as possible and shall immediately thereafter cause those premises to be disinfected in the manner prescribed in Article 9 of this Scheme.

(5) *Movement to an Attested Herd or to a Supervised Herd from a herd other than an Attested Herd, Supervised Herd or a herd licensed for the production of Tuberculin Tested milk.* A permit will be granted only if the animal was tested with tuberculin by a veterinary surgeon within 14 days prior to movement and did not react, or is a calf under 14 days old. The animal (including a calf under 14 days old) will be subjected to an official test after the movement has taken place, but not earlier than 60 days after its arrival on the premises, and the animal shall be isolated until so tested except for such contact with other animals in the herd as may be necessary for breeding purposes only. If the animal does not react to this test it will be allowed to be added to the Attested Herd or the Supervised Herd as the case may be, but if it reacts, the owner of the herd shall immediately isolate it and remove it from the approved premises as quickly as possible and shall immediately thereafter cause those premises to be disinfected in the manner prescribed in Article 9 of this Scheme :

Provided that in exceptional circumstances the Minister may waive the requirement of a tuberculin test within 14 days prior to movement, substitute therefor a condition that the animal shall be tested with tuberculin by a veterinary surgeon at the owner's expense within 7 days after the arrival of the animal on the approved premises, and delay correspondingly the official test.

(6) *Movement from a market, sale or agricultural show.* Permits for the movement of cattle from approved accommodation for return to an Attested Herd or for entry into another Attested Herd or into a Supervised Herd will be granted subject to such special conditions as the Minister may consider appropriate in the circumstances of the case. For the purposes of this sub-paragraph, "approved accommodation" means accommodation set apart for the reception of cattle moved from Attested Herds at any market, showground or other place and approved by the Minister.

(7) *Movement for breeding purposes.* Permits for the movement of animals for breeding purposes between Attested Herds,

PAGE

538-

541

Supervised Herds and herds licensed for the production of Tuberculin Tested milk will be granted subject to such special conditions as the Minister may consider appropriate in the circumstances of the case.

Eradication of Bovine Tuberculosis.—The final stage of the campaign for the eradication of bovine tuberculosis was started on 1st October, 1950, details of which were announced in the following Press Notice (M.A.F. 2659—29th September, 1950), relating to the Area Eradication Scheme :—

AREA ERADICATION PLAN FOR TUBERCULOSIS

On 1st October, 1950, the final stage in the campaign against bovine tuberculosis will begin. The plan is to eradicate the disease entirely from areas and gradually to extend the areas to cover the whole of Great Britain. Similar methods have been adopted successfully by other countries.

On 1st October—

- (i) The revised Attested Herds Scheme comes into operation, providing bonuses for owners of attested herds.
- (ii) Free testing starts in two areas in S.W. Scotland and S.W. Wales. The Minister is giving notice of the intention to declare parts of these areas eradication areas in 1952.

Bonuses for Attested Herds

The purposes of the new bonuses is to give further encouragement to farmers to eradicate tuberculosis from their cattle. Details were announced by the Parliamentary Secretary in the House of Commons on 29th June, 1950.

Briefly, each attested herd will qualify for bonus for six years from 1st October, 1950 or from the date on which it first becomes " supervised ", if that is later. The bonus will be based on milk sales or the number of cattle on the farm, at the option of the farmer. The milk bonus will be at the rate of 2d. a gallon for four years followed by 1d. a gallon for two years. The " capitation " bonus will be at the rate of £2 per head for four years followed by £1 per head for two years. The " capitation " bonus is particularly designed for owners of beef herds and rearing herds.

Owners of attested herds who also have a T.T. licence (whether they take the milk bonus or the capitation bonus) will in addition receive the T.T. premium on milk sold. This premium will be at the rate of 2d. a gallon from 1st October, 1950 and will be subject to negotiation at the annual February Price Review, providing that 2d. will be the minimum rate until 31st March, 1954.

The First Free-testing and Eradication Areas

The proposals for S.W. Scotland and S.W. Wales are as follows :

South-West Scotland

The " free-testing area " will consist of the whole of the counties of Ayr, Bute, Wigtown, Kirkcudbright, Renfrew, Dumfries,

PAGE

538-

541

Dumbarton, Stirling, Lanark and Peebles, and in the county of Argyll the Kintyre peninsula (south of the road from West Loch Tarbert to Loch Fyne via Glenrelloch and Barr Hill with the islands of Islay, Jura and Colonsay and adjacent small islands including Gigha and Sanda. There are about 620,000 cattle in this area of which 480,000 or 77 per cent. are already in attested herds. In Ayr and Bute the proportion is over 90 per cent.

On 1st October, 1952, this area (except the four counties of Dumbarton, Stirling, Lanark and Peebles) will be declared an Eradication Area.

It is hoped that in October, 1951, the Ministry will be in a position to give notice that on 1st October, 1953, the four excepted counties will be added to the Eradication Area.

South-West Wales

The " free-testing area " will consist of the whole of the counties of Cardigan, Carmarthen and Pembroke, and that part of Glamorgan west of the Swansea valley, including the Gower peninsula. There are about 320,000 cattle in this area of which 200,000 or 62 per cent. are already in attested herds.

On 1st October, 1952, an Eradication Area will be declared consisting of the county of Cardigan, the county of Carmarthen (except the Bettws Mountain district) and that part of the county of Pembroke to the north and east of the railway line from Fishguard through Treffgarne and Clarbston Road to the county boundary with Carmarthen. (N.B. Slight adjustments of the Pembroke portion may be made). The southern part of Pembroke, W. Glamorgan and the Bettws Mountain district, will be omitted from the first Eradication Area because less progress has been made with the eradication of tuberculosis than in other parts of the area.

It is hoped, however, that in October, 1951, the Ministry will be in a position to give notice that the remainder of the free-testing area will be added to the Eradication Area in 1953.

The First Attested Areas

All herds of cattle in the Shetland Islands and the Isles of Scilly are already attested. As soon as the necessary Orders have been made, it is intended to declare these islands the first two Attested Areas. This should be effected by the end of 1950.

Arrangements in the Free-testing Areas

Free-testing is being offered (as well as the attested bonuses) in the areas intended to become eradication areas so that farmers should not be deterred from starting to clean up their herds by the cost of having them tested.

Farmers in the two free-testing areas who wish to avail themselves of the offer of free tuberculin tests should apply in writing, if in the South-West Scotland free-testing area to the Secretary, Ministry of Agriculture and Fisheries, Animal Health Division—Scottish Branch, 15, Moray Place, Edinburgh, 3, or if in the South-West Wales free-testing area to the Secretary, Ministry of Agriculture and Fisheries, Hook Rise, Tolworth, Surbiton, Surrey.

PAGE

538-

541

The tests will be carried out free of charge by the Ministry's veterinary staff. They will be continued as long as necessary to enable the herd owner to qualify for admission to the Attested Herds Scheme and thus for bonus payments.

If a farmer in either of the two free-testing areas takes no steps to clean up his herd, or starts so late that his herd is neither Supervised nor Attested under the Attested Herds Scheme by the time that an Order declaring an Eradication Area including his farm comes into operation he will have lost his chance of qualifying for bonus payments.

In a free-testing area movements of cattle will go on in the same way as at present. The rules of the Attested Herds Scheme will continue to apply to Attested Herds and Supervised Herds.

Arrangements in the Eradication Areas

When an area is declared an Eradication Area, all herds in it will be tested compulsorily. Reactors will be slaughtered with payment of compensation on the basis of the estimated value of the animal as an untested animal.

The rules of the Attested Herds Scheme applicable to Supervised Herds and Attested Herds will be applied to all herds in the area.

The movement of cattle into the area will be controlled by licence. Any local imported animals landing place will be excluded from the area when it is declared and defined by Order ; and there will be provision for movement through the area by rail or water or by road vehicle. No untested animal will be admitted to any farm in the area. Irish cattle will be admitted if they have passed a tuberculin test within fourteen days before shipment or since landing. (They will, of course, have to be isolated on the farm and be retested after sixty days.)

Cattle from attested herds outside the area will be able to use the markets in the area, but other cattle will have to use markets outside the area, which still provide for unattested cattle. The same applies to collecting centres, though the Ministry will consider allowing fat cattle from herds outside the area to be sent to collecting centres in the area under certain conditions if it appears that facilities outside the area are inadequate.

Cattle from within the area may be sent to markets for attested stock outside the area and to agricultural shows in any part of the country at which attested cattle may be shown.

Arrangements in Attested Areas

The Minister may make an Order declaring an attested area if he is satisfied that for practical purposes tuberculosis is non-existent in the area. In general, attested areas will be subject to the same conditions as eradication areas. There will, however, be free movement between premises (including an attested market) within an area, except from any premises on which a reactor occurs. Movement from such premises will be controlled by licence until the herd has been cleared of infection.

Further Development of the Eradication Plan

As the first areas pass into the eradication and attested stages, it is intended to make a start with other areas. But the area plan cannot be applied until a good proportion of cattle in an area have become attested under the voluntary Attested Herds Scheme. When this stage has been reached, notice will be given of intention to declare an eradication area and during the period of notice free tests will be provided.

Moreover, the plan is not applicable to small isolated areas. An eradication area must be large enough to reduce to the minimum interference with the normal flow of cattle movements. The area must also be as self-contained as possible, with the minimum of movement into it from outside otherwise than from attested sources. There must be suitable marketing facilities inside the area for cattle in the area, and outside the area for cattle outside it. Normally, therefore, an area will be fairly large—say, the equivalent of two or three average counties.

Until some experience has been gained of the effect of the attestation bonus in stimulating progress, no definite statement can be made of the areas which are likely to be the next free-testing and eradication areas. But assuming satisfactory progress with voluntary attestation, the areas likely to be suitable for development as eradication areas within the next few years appear to be :—

The counties of Cumberland and Westmorland and the Furness district of Lancashire. (Westmorland is 61 per cent. attested and Cumberland 36 per cent.)

The remainder of Argyll and the Lothian and Border Counties in Scotland, one or two of which are already nearly 50 per cent. attested.

The counties of Brecon, Radnor, Merioneth and Montgomery. (Merioneth is 49 per cent. attested. The other three counties are well behind, but they contain many beef herds and it is hoped that the new bonus will result in rapid progress).

The progress of the plan will be kept under constant review, and each area in which substantial progress with voluntary attestation is being made will be considered on its merits for development as an eradication area. Early in 1954 the whole of the financial and other arrangements under the plan will be the subject of a special review in the light of early experience of the working of the plan.

Some Statistics

The Attested Herds Scheme was started in February 1935. By the outbreak of war there were 10,000 attested herds. Progress since 1944 is shown in the attached table. Latest figures are that at the end of August, 1950, there were over 50,000 attested herds in Great Britain, containing just over two million cattle. This is nearly 22 per cent. of all cattle.

PAGE
538-
541

APPENDIX

ATTESSED HERDS

ENGLAND						WALES			
31st December	Total Cattle Population 4th June	No. of Attested Herds	No. of Attested Cattle	% of Attested Cattle to Total Cattle	Total Cattle Population 4th June	No. of Attested Herds	No. of Attested Cattle	% of Attested Cattle to Total Cattle	
1944	6,259,954	4,397	233,621	3.7	937,873	8,441	173,616	18.5	
1945	6,291,416	5,272	272,323	4.3	945,961	9,147	183,873	19.4	
1946	6,315,821	7,106	345,323	5.5	931,164	10,271	198,319	21.3	
1947	6,275,866	9,445	518,412	8.3	898,746	11,099	229,120	25.5	
1948	6,400,347	13,358	667,690	10.4	940,608	12,395	252,780	26.9	
1949	6,709,994	18,838	878,230	13.1	985,381	13,818	282,650	28.7	
30th June, 1950	6,991,163*	22,184	1,003,500	14.4	1,010,011*	14,652	300,440	29.7	
SCOTLAND						GREAT BRITAIN			
1944	1,417,753	4,138	221,252	15.6	8,615,580	16,976	628,489	7.3	
1945	1,459,792	5,617	331,824	22.7	8,697,169	20,036	788,020	9.1	
1946	1,472,013	7,978	401,400	27.3	8,718,998	25,355	945,042	10.8	
1947	1,458,604	9,892	452,397	31.0	8,633,216	30,436	1,199,929	13.9	
1948	1,499,243	11,143	524,324	35.0	8,840,198	36,896	1,444,794	16.3	
1949	1,568,570	12,233	601,320	38.3	9,263,945	44,889	1,762,200	19.0	
30th June, 1950	1,619,778*	12,825	642,410	39.7	9,620,952*	49,661	1,946,350	20.2	

* Provisional

PAGE

- 538- *Tuberculosis (Area Eradication) Order, 1950*.—S.I. 1950,
 541 No. 2006—was made by the Minister of Agriculture under section 23 of the Agriculture Act, 1937, which enables an order to be made declaring an area to be an Eradication Area for purposes connected with the control of any particular disease, if the Minister is satisfied that a substantial majority of the cattle therein are free from that disease. For similar purposes, the Minister may make an order declaring an area to be an Attested Area if he is satisfied that that disease of cattle is for practical purposes non-existent therein. When an area is so declared to be an Eradication or Attested Area for purposes connected with the control of tuberculosis, the provisions of the *Tuberculosis (Area Eradication) Order, 1950*, apply, which include a prohibition against the movement of cattle into such an area (except under licence or on certain transit journeys), a power to prohibit the movement of cattle on to or off particular premises in such an area and ancillary provisions designed to prevent the introduction or spreading of tuberculosis.

The following Attested Areas have been declared with effect from 1st February, 1951 each of which is subject to the provisions of S.I. 1950, No. 2006, *supra* :—

- | | |
|-----------------|--|
| Zetland | —See <i>Tuberculosis (Zetland Attested Area) Order, 1951</i> ; S.I. 1951, No. 134. |
| Isles of Scilly | —See <i>Tuberculosis (Isles of Scilly Attested Area) Order, 1951</i> ; S.I. 1951, No. 135. |
| Bute | —See <i>Tuberculosis (Bute No. 1 Attested Area) Order, 1951</i> ; S.I. 1951, No. 135. |

Tuberculosis (Slaughter of Reactors) Order, 1950.—S.I. 1950, No. 2007—empowers a veterinary inspector of the Ministry of Agriculture to require the owner or person in charge of a bovine animal kept in an Eradication or Attested Area to detain and isolate that animal, if the Minister proposes to cause it to be slaughtered because it has reacted to a tuberculin test or has been exposed to the infection of tuberculosis by contact with such a reactor. The Order also provides for the mode of ascertainment of the value for compensation purposes of any reactor or contact, whether or not kept in an Eradication or Attested Area. The scale of compensation is prescribed by the *Tuberculosis (Compensation) Order, 1950*, *infra*. The provisions of the *Tuberculosis Order, 1938*, as amended (see p. 532 in the Main Work), relating to these matters in respect of a

PAGE

- 538-** bovine animal found to be affected with tuberculosis otherwise than by a tuberculin test are not affected by the Order of 1950.

Tuberculosis (Compensation) Order, 1950.—S.I. 1950, No. 2005—prescribes the scale of compensation payable by the Minister of Agriculture for a bovine animal slaughtered under the powers conferred on him by section 22 of the Agriculture Act, 1937, when such animal has reacted to a tuberculin test or has been exposed to the infection of tuberculosis by contact with a reactor. The mode of ascertainment of the value is prescribed by the Tuberculosis (Slaughter of Reactors) Order, 1950, *supra*. The scale of compensation prescribed by the Tuberculosis Order, 1938, as amended (see p. 532 in the Main Work) for bovine animals found to be affected with tuberculosis otherwise than by a tuberculin test, is not affected by the Order of 1950.

- 542** At the end of line 10 add the following.—Food and drugs authorities have power to enforce the powers contained in sections eight, nine and eleven of the Pharmacy and Medicines Act, 1941—see *post*, p. 248 in this Supplement.

- 545** Line 27 and footnote (s).—See now the Poisons Rules, 1949 ; S.I. 1949, No. 539, Rule 14 (1).

Line 29 and footnote (t).—See now the Poisons Rules, 1949 ; S.I. 1949, No. 539, Rule 14 (1).

Line 42 and footnote (x).—See now Rule 23, Poisons Rules, 1949 ; S.I. 1949, No. 539.

- 548** Line 18 and footnote (f).—See now the Poisons Rules, 1949 ; S.I. 1949, No. 539, Ninth Schedule.

Line 19 and footnote (g).—See now the Poisons Rules, 1949 ; S.I. 1949, No. 539, Tenth Schedule.

Line 29 and footnote (h).—See now the Poisons Rules, 1949 ; S.I. 1949, No. 539, Rule 31.

- 549** Line 30 and footnote (n).—See now the Poisons Rules, 1949 ; S.I. 1949, No. 539, Rule 13.

Line 32 and footnotes (o) and (p).—See now the Poisons List Order, 1949 ; S.I. 1949, No. 538. The original Poisons

PAGE

549 List of 1935 (S.R. & O. 1935, No. 1238) has been amended by S.R. & O. 1937, No. 1029 ; 1938, No. 1547 ; 1940, No. 453 ; 1946, No. 1625 ; S.I. 1948, No. 839 ; 1948, No. 1378 ; and 1949, No. 538. The amendments to the Poisons List, as shown on pp. 549-552 of the Main Work, are shown in the following paragraphs.

550 **Line 15.**—For “ Curarine ” now read “ Curare, alkaloids of ; curare bases ”.

After line 17 add : “ Dihydrodesoxymorphine ”.

After line 43 add : “ Amidone (*dl*—2—dimethylamine—4 : 4—diphenylheptane—5—one) ; its salts ”.

551 **Add before line 1.**—Beta-aminopropylbenzene ; its salts ; its N-alkyl derivatives ; their salts ; beta-aminoisopropylbenzene ; its salts ; its N-alkyl derivatives ; their salts.

After line 5 add :—Carbachol.

In line 12 delete :—Dinitrocresols.

After line 28 add :—Metopon (methyldihydromorphinone) ; its salts. 6-morpholino-4 ; 4-diphenylheptane-3-one ; its salts.

551 **Line 33—Delete.**—“ metallic oxalates other than potassium quadroxalate ”.

After line 35 add :—Para-amino-benzenesulphonamide ; its salts ; derivatives of para-amino-benzenesulphonamide having any of the hydrogen atoms of the para-amino group or of the sulphonamide group substituted by any other radical ; their salts.

After line 36 add :—Pethidine ; its salts.

After line 52 add :—Sodium monofluoroacetate.

After line 58 add :—Tridone (3 : 5 : 5-trimethyloxazolidine-2 : 4-dione).

552 **After line 17 add :**—Dinitrocresols.

After line 22 add :—Metallic oxalates.

After line 29 add :—Phosphorous compounds, the following :—

Bis-dimethylaminophosphorous anhydride, diethyl-paranitro-phenol thiophosphate, hexaethyl tetraphosphate, tetraethyl pyrophosphate.

PAGE

552 Line 30. After "toluene diamines" add :—Other alkylated-benzene diamines ; their salts.

Line 32.—Delete "Potassium quadroxalate".

After line 34 add :—Zinc phosphide.

554 Line 12 and footnote (s).—See now the Poisons Rules, 1949 ; S.I. 1949, No. 539, which came into operation on 11th April, 1949.

For lines 19 and 25 substitute the following :—Adhesives ; anti-fouling compositions ; builders' materials ; ceramics ; distempers ; electrical valves ; enamels ; explosives ; fillers ; fireworks ; glazes ; glue ; inks ; lacquer solvents ; loading materials ; matches ; motor fuels and lubricants ; paints other than pharmaceutical paints ; photographic paper ; pigments ; plastics ; propellants ; rubber ; varnishes.

After line 21 and for page 555, substitute the following :

Poison	Substance or article in which exempted
Alkaloids, the following :— Nicotine	Tobacco
Ammonia	Substances not being solutions of ammonia or preparations containing solutions of ammonia ; substances containing less than five per cent., weight in weight, of ammonia (NH_3) ; refrigerators ; smelling bottles.
Dinitrocresols	Substances being neither preparations for the treatment of human ailments nor agricultural or horticultural insecticides or fungicides.
Formaldehyde	Substances containing less than five per cent., weight in weight, of formaldehyde ($\text{H}.\text{CHO}$) ; photographic glazing or hardening solutions.
Hydrochloric acid	Substances containing less than nine per cent., weight in weight, of hydrochloric acid (HCl).

Poison	Substance or article in which exempted
Mercuric chloride	Batteries.
Mercuric chloride ; mercuric iodide ; organic compounds of mercury.	Dressings on seeds or bulbs.
Nitric acid	Substances containing less than nine per cent., weight in weight, of nitric acid (HNO_3).
Nitrobenzene	Substances containing less than 0.1 per cent. of nitrobenzene ; soaps containing less than one per cent. of nitrobenzene ; polishes.
Phenols	Carvacrol ; creosote obtained from coal tar ; essential oils in which phenols occur naturally ; medicines containing less than one per cent. of phenols ; nasal sprays, mouth washes, pastilles, lozenges, capsules, pessaries, ointments or suppositories containing less than 2.5 per cent. of phenols ; smelling bottles ; soaps for washing ; solid substances, other than pastilles, lozenges, capsules, pessaries, ointments and suppositories, containing less than sixty per cent. of phenols ; tar (coal or wood), crude or refined ; tertiary butyl-cresol ; thymol.
Phenylene diamines ; toluene diamines ; other alkylated-benzene diamines ; their salts.	Substances other than preparations for the dyeing of hair.
Phosphorous compounds, the following :— Bis-dimethylaminophosphonous anhydride, diethylparanitrophenyl thiophosphate, hexaethyl tetraphosphate, tetraethyl pyrophosphate.	Substances other than agricultural or horticultural insecticides or fungicides.

Poison	Substance or article in which exempted
Potassium hydroxide	Substances containing less than twelve per cent. of potassium hydroxide; accumulators ; batteries.
Sodium ethyl mercurithiosalicylate	Therapeutic substances containing less than 0.1 per cent. of sodium ethyl mercurithiosalicylate as a preservative.
Sodium fluoride	Substances containing less than three per cent. of sodium fluoride as a preservative.
Sodium hydroxide	Substances containing less than twelve per cent. of sodium hydroxide.
Sodium silicofluoride	Substances containing less than three per cent. of sodium silicofluoride as a preservative.
Sulphuric acid	Substances containing less than nine per cent., weight in weight, of sulphuric acid (H_2SO_4) ; accumulators ; batteries ; fire extinguishers.

555 Footnote (t).—See now Rule 11 and Third Schedule, Poisons Rules, 1949 ; S.I. 1949, No. 539.

556 Line 12 and footnote (x).—See now Rule 3, Poisons Rules, 1949 ; S.I. 1949, No. 539.

Line 33 and footnote (y).—See now Rule 4, Poisons Rules, 1949 ; S.I. 1949, No. 539.

557 Line 6 and footnote (z).—See now Rule 14 (1), Poisons Rules, 1949 ; S.I. 1949, No. 539.

For lines 10 to 18, substitute the following :—

Alkaloids, the following ; their salts, simple or complex :—

Nicotine.

PAGE

557

Arsenical poisons except substances containing less than the the equivalent of 0.01 per cent. of arsenic trioxide and except dentifrices containing less than 0.5 per cent. of acetarsol.

Barium, salts of.

Dinitrocresols except agricultural and horticultural insecticides or fungicides.

Mercuric chloride except substances containing less than one per cent. of mercuric chloride ; mercuric iodide except substances containing less than two per cent. of mercuric iodide ; organic compounds of mercury except substances containing less than the equivalent of 0.2 per cent., weight in weight, of mercury (Hg).

Zinc phosphide.

Line 34 and footnote (a).—See now Rule 14 (2), Poisons Rules, 1949 ; S.I. 1949, No. 539.

558 After line 3 add :—

Dinitrocresols

Agricultural and horticultural insecticides and fungicides.

After line 10 add :—

Metallic oxalates other than potassium quadroxalate

Photographic solutions or materials.

Line 13, after the word “ disease ”, add the following :

; ointments for the treatment of animals.

Zinc phosphide

Preparations for the destruction of rats and mice.

Line 20 and footnote (c).—See now Rule 17 (1), Poisons Rules, 1949 ; S.I. 1949, No. 539.

Line 22 and footnote (d).—See now Rule 18, Poisons Rules, 1949 ; S.I. 1949, No. 539.

Line 26 and footnote (e).—See now Rule 19 (1), Poisons Rules, 1949 ; S.I. 1949, No. 539.

Line 30 and footnote (f).—See now Rule 19 (2), Poisons Rules, 1949 ; S.I. 1949, No. 539.

559 Line 23 and footnote (g).—See now Rule 19 (6), Poisons Rules, 1949 ; S.I. 1949, No. 539.

Line 33 and footnote (h).—See now Rule 2 (3), Poisons Rules, 1949 ; S.I. 1949, No. 539.

Line 36 and footnote (k).—See now Rule 20 (1), Poisons Rules, 1949 ; S.I. 1949, No. 539.

PAGE

559 For lines 37 to 46, substitute the following :—

1. To be labelled with the words "*Caution. This preparation may cause serious inflammation of the skin in certain persons and should be used only in accordance with expert advice.*" :—

Preparations for the dyeing of hair containing phenylene diamines, toluene diamines or other alkylated-benzene diamines or their salts.

2. To be labelled with the words "*Caution. This substance is caustic.*" :—

Potassium hydroxide, sodium hydroxide, and articles containing either of those substances.

3. To be labelled with the words "*Caution. This substance is poisonous. The inhalation of its vapour, mist, spray or dust may have harmful consequences. It may also be dangerous to let it come into contact with the skin or clothing.*" :—

Dinitrocresols and the following phosphorous compounds :—

Bis-dimethylaminophosphonous anhydride, diethyl-para-nitrophenyl thiophosphate, hexaethyl tetraphosphate and tetraethyl pyrophosphate.

560 Line 6 and footnote (l).—See now Rule 20 (2), Poisons Rules, 1949 ; S.I. 1949, No. 539.

Line 14 and footnote (m).—See now Rule 21 (1), Poisons Rules, 1949 ; S.I. 1949, No. 539.

Line 18 and footnote (o).—See now Rule 22 (1), Poisons Rules, 1949 ; S.I. 1949, No. 539.

Line 23 and footnote (p).—See now Rule 22 (2), Poisons Rules, 1949 ; S.I. 1949, No. 539.

Line 27 and footnote (q).—See now Rule 22 (3), Poisons Rules 1949 ; S.I. 1949, No. 539.

Delete line 29 and substitute the following.—arsenical substances, barium carbonate, dinitrocresols, mercurial substances, metallic oxalates, nitrobenzene and zinc phosphide.

Line 32 and footnote (r).—See now Rule 14 (2), Poisons Rules, 1949 ; S.I. 1949, No. 539.

Line 40 and footnote (s).—See now Rule 23, Poisons Rules, 1949 ; S.I. 1949, No. 539.

561 Line 1.—For " Rule 20," now read " Rule 21 ".

After line 3, add :—Dinitrocresols.

Line 9.—For " Mercuric fluoride " read " Mercuric iodide ".

Line 18 and footnote (u).—See now Rule 5 (2), Poisons Rules, 1949 ; S.I. 1949, No. 539.

PAGE

561 **Line 20.**—For page 537, read page 557.

Line 40 and footnote (v).—See now Rule 24, Poisons Rules, 1949 ; S.I. 1949, No. 539.

Line 42 and footnote (w).—See now Rule 25 Poisons Rules, 1949 ; S.I. 1949, No. 539.

Line 47 and footnote (x).—See now Rule 26 and Eighth Schedule, Poisons Rules, 1949 ; S.I. 1949, No. 539.

562 **In lines 1 and 2, substitute the following for the list of poisons given—**

arsenical poisons ;
barium, salts of ;
dinitrocresols ;
mercuric poisons ;
nicotine ; its salts ;
zinc phosphide.

Line 10 and footnote (y).—See now Rules 6, 7 and 32, Poisons Rules, 1949 ; S.I. 1949, No. 539.

After line 10 add the following :—It is not necessary for the purchaser to be known to the seller in the case of sales of agricultural or horticultural insecticides consisting of nicotine dusts containing not more than 4 per cent. of nicotine—Rule 6 and Schedule 15, Poisons Rules, 1949 ; S.I. 1949, No. 539.

Line 12.—For “ (Rule 31) ”, read “ (Rule 32) ”.

Line 30.—For “ Rule 31 ”, read “ Rule 32 ”.

In lines 45 and 46, substitute the following for the list of poisons given—

arsenical poisons ;
barium, salts of ;
dinitrocresols ;
mercuric poisons ;
nicotine ; its salts ;
zinc phosphide.

Line 47 and footnote (z).—See now Rule 33, Poisons Rules, 1949 ; S.I. 1949, No. 539.

At the end of line 47, add :—But it is now no longer necessary for an entry to be made in the Poisons Book in respect of any sale of nicotine dusts containing not more than 4 per cent. of the poison—see Rule 6 and Schedule Fifteen, Poisons Rules, 1949 ; S.I. 1949, No. 539.

563 **Line 1.**—For “ Rule 32 ” read “ Rule 33 ”.

PAGE

564 Lines 16 and 26 and footnote (a).—See now Rule 7 (3), Poisons Rules, 1949 ; S.I. 1949, No. 539.

Line 27 et seq.—substitute the following.—It is not lawful to sell any of the undermentioned poisons intended for use as a weed killer or in the prevention or treatment of infestation by animals, plants, or other living organisms unless there has been added to the poison a dye or other substance which renders it of a distinctive colour whether dry or wet or in solution, provided that this does not apply in the case of—

- (a) poisons which are themselves of a distinctive colour ;
- (b) sheep dips which are already of a distinctive colour ; or
- (c) articles to be exported to purchasers outside the United Kingdom.

Poisons to be coloured

Arsenates

Arsenites

Copper acetoarsenites

Halides of arsenic.

Organic compounds of arsenic

Oxides of arsenic

Sodium thioarsenates

Sulphides of arsenic

Line 46 and footnote (b).—See now Rule 15 and Sixteenth Schedule, Poisons Rules, 1949 ; S.I. 1949, No. 539.

At the bottom of the page add the following new material :—

Restriction on sale of Strychnine

Rule 16 of the Poisons Rules, 1949, prohibits the sale of strychnine except as an ingredient in a medicine, with a number of exceptions.

In 1947, the Home Office communicated with local authorities pointing out that there had been an increase in the sales of strychnine contrary to Rule 16 and in particular to sales made on a certificate as set out in the Eleventh Schedule to the Rules signed by officials of local authorities.

The form of certificate set out in the Eleventh Schedule does not apply to sales of strychnine and should not be given by officials of local authorities or accepted by chemists.

The following are the circumstances in which strychnine may be sold—

PAGE

564

- (a) by way of wholesale dealing ; or
- (b) to be exported to purchasers outside the United Kingdom ; or
- (c) for the purpose of being compounded in medicines prescribed or administered by a duly qualified medical practitioner, registered veterinary surgeon or registered veterinary practitioner ; or
- (d) to a person or institution concerned with scientific education or research or chemical analysis, for the purposes of that education or research or analysis ; or
- (e) to a person producing a written authority in the form set out in the Thirteenth Schedule to these Rules issued within the preceding three months in England by the executive officer or secretary of a County Agricultural Executive Committee or in Scotland by the chairman or secretary of an Agricultural Executive Committee, authorising the purchase of strychnine for the purpose of killing moles, or to a person producing a written authority in the form set out in the Fourteenth Schedule to these Rules issued within the preceding three months by a person duly authorised by the Secretary of State authorising the purchase of strychnine for the purpose of killing seals at the place or places mentioned in the authority so, however, that in either case the quantity sold shall not exceed the quantity, not being more than four ounces, specified in the authority, and the authority shall be retained by the seller—Rule 16.

It is unlawful to sell strychnine for the destruction of rats, mice or other vermin—see Home Office Circular 689,073/76—11th April, 1947.

PHARMACY AND MEDICINES ACT, 1941

Food and drugs authorities (see Main Work, p. 19) have power to enforce the provisions of sections 8, 9 and 11 of the Pharmacy and Medicines Act, 1941, (15 Halsbury's Statutes, 2nd Edn. 297) and subject to the provisions of subsection (4) of section 10 of the Act, to institute proceedings for a contravention of any of the provisions of those sections—section 16.

The Minister of Health informed food and drugs authorities that if their officers discovered a contravention of sections 8, 9 or 11, it would be open to them to deal with the matter themselves or to refer it to the Pharmaceutical Society (17, Bloomsbury Square, London, W.C.1.) which is charged with the duty of enforcing the provisions of the sections referred to—Circular 2493, Ministry of Health, 30th September, 1941.

PAGE

564 *Prohibition of advertisement relating to certain diseases.*

It is an offence to publish an advertisement referring to any article, or articles of any description, in terms which are calculated to lead to the use of that article or articles of that description for the purpose of the treatment of human beings for any of the following diseases :

Bright's disease ;
cataract ;
diabetes ;
epilepsy or fits ;
glaucoma ;
locomotor ataxy ;
paralysis ; or
tuberculosis.

This Prohibition does not apply to an advertisement published by a local authority or by the governing body of a voluntary hospital or by any person acting with the sanction of the Secretary of State or the Minister of Health—section 8 (1).

The Minister of Health has authorised the Central Council for Health Education to issue advertisements of the kind referred to above.

It is a defence to proceedings taken for a contravention of section 8 (1), *supra*, to prove that the advertisement to which the proceedings relate was published only so far as was reasonably necessary to bring it to the notice of persons of the following classes—

- (a) members of either House of Parliament ;
- (b) members of a local authority ;
- (c) members of the governing body of a voluntary hospital ;
- (d) registered medical practitioners ;
- (e) registered nurses ;
- (f) registered pharmacists and authorised sellers of poisons ;
- (g) persons undergoing training with a view to becoming registered medical practitioners ;
- (h) persons carrying on business which includes the sale or supply of surgical appliances—section 8 (2).

Prohibition of advertisements relating to abortion.

It is an offence to publish an advertisement referring to any article or articles of any description, in terms which are calculated to lead to the use of that article or articles of that description for procuring the miscarriage of women—section 9.

PAGE

564 *Disclosure of composition of medicines.*—It is an offence—

- (a) to sell by retail any article consisting of or comprising a substance recommended as a medicine ; or
- (b) to supply any such article as a sample for the purpose of inducing persons to buy by retail the substance of which it consists or which it comprises—

unless there is written so as to be clearly legible on the article or a label affixed thereto, or, if the article is sold or supplied as aforesaid in a container, on the container or a label affixed thereto or, if the article is sold or supplied as aforesaid in more than one container, on the inner container or a label affixed thereto—

- (i) the appropriate designation of the substance so recommended or of each of the active constituents thereof or of each of the ingredients of which it has been compounded ; and
- (ii) in a case where the appropriate designation of each of the active ingredients or constituents is written as aforesaid, the appropriate quantitative particulars of the constituents or ingredients :

Provided that these requirements do not apply to any article made up and supplied for the use of a particular person, being an article prescribed by reference to the needs of that person—section 11 (1).

The expression “ *substance recommended as a medicine* ” means a substance which is referred to—

- (a) on the article, or on any wrapper or container in which the article is sold, or on any label affixed to, or in any document enclosed in, the article or such a wrapper or container ; or
- (b) in any placard or other document exhibited at the place where the article is sold ; or
- (c) in any advertisement published after the passing of the Act by or on behalf of the manufacturer of the article, or the person carrying on the business in the course of which the article was sold, or, in a case where the article was sold under a proprietary designation, the proprietor of the designation :

in terms which are calculated to lead to the use of the substance for the prevention or treatment of any ailment, infirmity or injury affecting the human body, not being terms which give a definite indication that the substance is intended to be used as, or as part of, a food or drink, and not as, or as part of, a medicine—section 17 (1).

It was held that a label on Hall's Wine, which included the words “ A wineglassful is a great help when you are tired or when convalescent after illness and in any case

PAGE

564 where a tonic is desirable", did recommend the wine as a medicine—*Nairne v. Smith (Stephen) & Co., Ltd., and Pharmaceutical Society of Great Britain*, [1943] 1 K.B. 17; [1942] 2 All E.R. 510 ; 2nd Digest Supp.

The phrase "*recommended as a medicine*" was further elucidated in the case of *Potter and Clark, Ltd. v. Pharmaceutical Society of Great Britain*, [1947] Ch. 137 ; [1946] 2 All E.R. 561.

The expression "*appropriate designation*" means—

- (i) in a case where the substance, constituent or ingredient is a poison included in the Poisons List, the name with which the container of the poison is for the time being required to be labelled in pursuance of paragraph (c) of subsection (1) of section 18 of the Pharmacy and Poisons Act, 1933 ;
- (ii) in a case where the substance, constituent or ingredient is not such a poison and is described in any of the monographs contained in the edition of the British Pharmacopoeia or the British Pharmaceutical Codex which was last published before the date on which the article was sold or supplied, the description set out at the head of that monograph ;
- (iii) in a case where the substance, constituent, or ingredient is not such a poison and is not so described, the accepted scientific name, or other name descriptive of the true nature of the substance, constituent or ingredient—section 11 (2) (a).

The expression "*appropriate quantitative particulars*" means—

- (i) the approximate percentage of each of those constituents or ingredients contained in the substance or the approximate quantity of each of those constituents or ingredients contained in the article sold or supplied ; or
- (ii) in a case where the said article consists of or comprises a number of separate portions of the substance, either the approximate percentage or quantity aforesaid or the approximate quantity of each of the constituents or ingredients contained in each portion—section 11 (2) (b).

The expression "*container*" includes a wrapper—section 11 (2) (c).

Defences available.—In any proceedings with respect to contraventions of sections 8 and 9 of the Act of 1941, *supra*, it is a defence to prove—

- (a) that the advertisement to which the proceedings relate was published in such circumstances that the person charged did not know and had no reason to believe that he was taking part in the publication thereof ; or
- (b) that the advertisement was published only in a publication of a technical character intended for circulation mainly amongst persons of the following classes—

PAGE

564

- (i) registered medical practitioners ;
- (ii) registered nurses ;
- (iii) registered pharmacists and authorised sellers of poisons ;
- (iv) persons undergoing training with a view to becoming registered medical practitioners, nurses or pharmacists ;
- (v) persons carrying on business which includes the sale or supply of surgical appliances—section 10 (3).

In any proceedings with respect to contraventions of section 11 of the Act of 1941, it is a defence if the person charged proves—

- (a) that he did not know, and had no reason to believe that the article consisted of or comprised such a substance ; or
- (b) that, in relation to the matter in respect of which he is charged, he acted in the course of his employment as a servant or agent of another person on the instructions of his employer or of some other specified person—section 13 (1).

Where the defendant proved that although he knew that the article sold was recommended as a medicine, he did not know that it contained an ingredient not disclosed on the label, no offence was committed—*Pharmaceutical Society of Great Britain v. Heppells* (1932), Ltd., [1945] K.B. 454 ; [1945] 2 All E.R. 33 ; 2nd Digest Supp.

Legal proceedings.—Proceedings in respect of contraventions of sections 8 or 9 of the Act of 1941, cannot be instituted without the consent of the Attorney General or Solicitor General—section 10 (4). Proceedings in respect of contraventions of section 11 of the Act of 1941, may be instituted by the Pharmaceutical Society or a food and drugs authority without the consent of a law officer—section 13 (3).

596 After line 8, add the following :—

Emergency provisions.—During the period of control, an inspector within the meaning of the Fertilisers and Feeding Stuffs Act, 1926, who is authorised by that Act to purchase or take samples of any article of food, may, on producing some document duly authenticated for the purposes of that Act and identifying him as such inspector, purchase or take such samples notwithstanding any restriction upon the purchase or obtaining of such article of food contained in any Order made by the Minister of Food for the time being in force—see *The Sampling of Food Order*, 1942—S.R. & O. 1942, No. 531, as amended by S.R. & O. 1942, Nos. 1199 and 2451—art. 7.

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51

